

- 34 6.1 version of Word Perfect  
- Assessor 568.00 Approved
- 35 IMT bead breaker - Road 471.25 Approved
- 36 Rebuild TV Head End - Television 6,500.00 Approved
- 37 Pro 1000 Radar Units - Sheriff 14,950.00 Approved
- 38 Hard drive, mother board and  
other miscellaneous computer  
items - Sheriff 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.

(4)

#### 1992 EMERY COUNTY INDEPENDENT AUDIT

Mr. Kay Kimball, of Kimball and Roberts, presented to the Commission the independent audit for Emery County. He noted that in addition to this being a financial audit, it is an audit of compliance with State and Federal requirements. Together with the formal presentation of the audit, included was a management letter giving recommendations for changes.

Whereupon, motion was made by Commissioner Dixie Thompson to accept the independent audit report as submitted by Mr. Kay Kimball. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

#### CHARLANE LUKE RETIREMENT

Auditor, Karen Truman presented a plaque to Charlane Luke who has worked in the Auditor's office. Mrs. Luke is retiring on June 30, 1993, after 13 years of service to Emery County.

(6)

#### AFSCME - CONSIDERATION OF ADOPTION OF COLLECTIVE BARGAINING AGREEMENT

Patty Collins, of the American Federation of State, County and Municipal Employees (AFSCME), addressed the Commission by presenting to them a collective bargaining agreement. She noted that Salt Lake City and Carbon County law

enforcement officers belong to this particular union. Such a union improves employee morale, communication and is of equal benefit to management. Therefore, she asked for its consideration.

Commission Chairman Mark Justice recognized the need to give due consideration after the Commission has had the opportunity to review the agreement with the County Attorney. At the present time, 25 employees of the County Sheriff's office have joined AFSCME. Other county employees could join under a unit determination.

Commissioner Dixie Thompson also discussed the need to remove reference to the agency shop fee. To which Ms. Collins concurred. She indicated it was an oversight and needed to be omitted.

Mr. Steve Thornton, a local union mine worker, encouraged the Sheriff's department employees in joining such a union and encouraged consideration by the Commission in that it makes for a better working relationship.

Mr. Jack Mathie, of Price also from the miners union, stood in support of the proposed agreement.

Responding from the Emery County Sheriff's department, Deputy Steve Stream indicated this represents an opportunity to have say in what goes on in the department.

The Commission inquired if there were any other comments. At the request of a time table, it was indicated there would probably be final determination in one month to six weeks.

Deputy J.D. Mangum suggested that all County employees be asked if they were interested in joining and this be done as soon as possible.

It was the consensus of the Commission that they take this matter under advisement and review it with the County Attorney. Wherein, the Commission would list those items of concern and propose a future meeting in order to facilitate such a request.

Therefore the matter was tabled at this time to be placed again on the July 7, 1993, Commission meeting agenda.

(7)

MARCUS BOLINDER - REQUEST FOR COMMUNITY SPONSOR

Commission Secretary Leslie Bolinder read aloud to those present a letter from her son Marcus Bolinder who could not be present. Mr. Bolinder has been chosen by Governor Mike Leavitt to attend the Governor's Honor Academy and requested community financial support.

Whereupon, motion was made by Commissioner Kent Petersen to sponsor Mr. Marcus Bolinder and contribute \$50, recognizing the honor this is to him, his parents and Emery County. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### PARTIAL FUNDING OF CHAMBER OF COMMERCE EXECUTIVE DIRECTOR

Commissioner Kent Petersen, addressed those present as a follow-up to Chamber of Commerce President Bruce Anderson's request in the last Commission meeting for financial assistance in funding an Executive Director for the Chamber of Commerce. Commissioner Petersen has since reviewed the matter with Auditor, Karen Truman and it appears there are monies to help the Chamber of Commerce and having a full-time Chamber Executive Director would be very beneficial.

Whereupon, motion was made by Commissioner Kent Petersen that Emery County contribute to the Chamber of Commerce \$2,500 for the particular purpose in the funding of a Chamber of Commerce Executive Director. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### DISCUSSION OF AIRPORT

Commissioner Dixie Thompson noted that because of the present location of the County airport, engineers estimate its useful life to be that of three years, hoping for five years if no large trucks are permitted on the surface. It was further noted that in construction of a new facility, the FAA would contribute 90% of the funds, the State 5% and the County would be required to come up with 5%. They presently are using the services of a consultant to see if the location meets all of the guidelines and whether new sights should be considered and basically he is gathering information at no cost to the County. Agreed upon would be a public hearing before any final decision would be made by the Commission.

(10)

#### TWO FM TRANSLATORS AT HORN MOUNTAIN

Commission Chairman Mark Justice inquired of the Commission if there was interest in adding the two additional translators at Horn Mountain for two FM stations. He asked for Commission consideration upon verification by the auditor of the monies still available. Discussed and questioned was whether the County should hold another public hearing to determine which FM stations should be rebroadcast because of Commission Chairman Mark Justice's involvement in one of the Price radio stations.

Commission Chairman Mark Justice noted that being considered were FM stations. He further noted that if we don't support our local economy, we are not worth much. Such an endeavor would be of great benefit to local merchants who advertise in the County and basically this would be to add two additional signals to be rebroadcast into the County. Noted was the absence of Bret Mills. Those present expressed a need for Mr. Mills expertise in determining those channels being considered.

Whereupon, motion was made by Commissioner Dixie Thompson to proceed with the request with final determination of the channels at a later time. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

#### RESOLUTION 6-16-93B - ADOPTING A SOLID WASTE MANAGEMENT PLAN

County Attorney, Mark Tanner presented to the Commission Resolution 6-16-93B. Wherein the Resolution adopts the Solid Waste Management Plan as prepared by Tahoma Technical prepared in August of 1992.

Whereupon, motion was made by Commissioner Dixie Thompson to adopt Resolution 6-16-93B as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

#### EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT - AUDITING AND ACCOUNTING SERVICES

Commission Chairman Mark Justice reviewed that in the creation of the Emery County Recreation Special Service District initially there was no funding and since then have received monies from the Impact Board. Therefore, there is a need to enter into an Interlocal Agreement with Emery County to provide accounting and auditing services. These with the Auditor and Treasurer offices. At the present time, there is no fee assessed for those services by the County. It was further agreed that the auditor's name be added to the bank signature card. Whereupon, motion was made by Commissioner Kent Petersen to enter into the Interlocal Agreement between Emery County and the Emery County Recreation Special Service District for auditing and accounting services through the Emery County Auditor's and Treasurer's offices. This is for a period of five years. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

#### REPORT ON ROAD ABANDONMENTS

County Attorney, Mark Tanner reviewed the present status on road abandonments.



He noted that they are presently waiting for the descriptions of the roads. He is working through Emery County Recorder, Ina Lee Magnuson and her office for that information before proceeding.

(14)

#### CORRECTION TO PURCHASING AND PROCUREMENT ORDINANCE

Commission Chairman Mark Justice noted that it was the intent and previously discussed that the new procurement and purchasing ordinance include that bids under \$25,000, and at the Commission's discretion, performance and payment bonds could be omitted. However, in the final adoption, this had been omitted. Therefore, motion was made by Commissioner Dixie Thompson to correct the original ordinance with the intended discretionary action of the Commission on payment and bid bonds on contracts under \$25,000. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

#### EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT - \$60,000 FUNDING REQUEST

Commission Chairman Mark Justice on behalf of the Emery County Recreation Special Service District requested the County to contribute \$60,000 to match the CIB monies for projects in each of the nine communities. He noted that the Recreation District has no source of funding. In the Economic Development budget, monies were budgeted for community improvement projects. Auditor, Karen Truman inquired if cities have been approached to help out. Also inquired was how Economic Development Director, Bryant Anderson felt about such a transfer. Mr. Anderson responded that those monies were set up in his budget for beautification of which this would be a part of. However, he did express concern over his budget in the future and the possible need to come back to the Commission if there appears to be insufficient funds to carry out those projects originally anticipated.

Commissioner Kent Petersen noted it is an excellent project for the Recreation District. It was suggested at this time that this be set for a public hearing at the next Commission meeting.

Whereupon, after further discussion, this matter was tabled for further consideration at the July 7 Commission meeting.

(16)

#### PLANNING AND ZONING - UP&L COAL CLEANING FACILITY

Planning and Zoning Administrator, Bryant Anderson advised the Commission that the Planning and Zoning has met with Utah Power and Light who is expanding their coal cleaning plant at an anticipated cost of \$10 million. The planning and zoning staff and committee have reviewed and recommend to the Commission, the

site plan approval at this time, so as they can begin the advertising and hearing process.

It was the consensus of the Commission that Mr. Anderson proceed at this time due to the fact that this was not properly placed on the agenda, no official Commission action would be taken at this time.

Mr. Anderson further noted he has had conversations with Gene Hess of UP&L in regards to UP&L property by the Huntington Airport. Mr. Hess has indicated that UP&L would consider a request to have that property consisting of approximately 200 acres transferred to Emery County. With Commission approval, he would like to proceed with that request. It requires UP&L board approval as well.

(17)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She reviewed the upcoming DWR hearing on June 17, 1993, at the Days Inn in Price.
2. She gave a favorable report on the Utah Association of Counties Insurance Mutual.

Commissioner Kent Petersen:

1. He briefly reviewed the Project 2000 meeting which was held in Moab in which he and Commissioner Dixie Thompson attended. The purpose of the meeting to make an effort is to resolve the wilderness issue.

Commission Chairman Mark Justice:

1. He gave a status report in regards to the golf course in Green River. They are soliciting a state park contract for management. Subsequently, they can obtain the necessary funding.

(18)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following for Commission consideration:

- A) Assessor's Office - Previously approved was a temporary employee to be hired while Gayla Luke was on a leave of absence. Assessor, James Fauver has recommended this be a 3/4 time person, with a starting date of June 14, 1993, at the rate of \$6.00 per hour. It was his recommendation to hire Kathy Reed.

B) Full-Time Employee to assist all offices and departments - Mrs. Snowball indicated that because of the retirement of Charlane Luke in the Auditor's office, she has had discussions with Auditor, Karen Truman regarding filling that vacancy. It is her request that consideration be given to a full-time position funded from the balance of those funds left by Mrs. Luke's retirement. This person would work under the direction of the Personnel Department and would be a "floater", working where needed in the courthouse. The departments would make requests through Personnel when they want to arrange for the floater to work in their department. This person would be for those requiring clerical assistance and not to be relied on for essential functions in the offices. Such a hire would need certain basic clerical qualifications. It was anticipated that this person would be paid at the rate of \$6.00 per hour.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the hiring of Kathy Reed in the Assessor's office as presented and to approve the hiring of a full-time employee under the Personnel Department as discussed. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(19)

#### MILES MORETTI - DIVISION OF WILDLIFE RESOURCES

Mr. Miles Moretti, of the Division of Wildlife Resources, addressed the Commission at this time with a payment to the County of \$120 as payment in lieu of taxes. It was noted that the DWR owns some 240 acres wherein they are required to pay .50 cents per acre in lieu of taxes.

Mr. Moretti indicated his second purpose in being before the Commission today was to note that the Huntington and Cleveland Irrigation Company has expressed concerns to him in regards to the Millers Flat and the Cleveland Reservoir because of the garbage and the need for toilet facilities. The DWR is presently negotiating with the Irrigation Company in determining whether to plant fish in those two reservoirs. It was his recommendation to the Commission that should an agreement be reached and the Millers Flat Reservoir planted that DWR would participate in 1/2 of the cost of portable toilets for use during the months of June, July, August and September if the County would be willing to contribute 1/2 of those costs. He noted that the Forest Service has some toilet facilities already established on the Cleveland Reservoir. He further noted that they are looking into the adopt-a-lake project similar to the adopt-a-highway project. This could possibly be extended into the Huntington Canyon area.

Therefore, it was agreed upon by all parties that this be put on the July 7 Commission agenda. At that time Mr. Moretti will have an exact determination of those costs, if they were going to plant fish in Millers Flat Reservoir and the need for toilet facilities.

(20)

UPDATE ON HEALTH INSURANCE - EMERY COUNTY HEALTH INSURANCE PROGRAM

Personnel Director, Pat Snowball introduced Gordon Hillier from Corporate Benefit Services, who in turn introduced Lori Sorensen who handles the public relations at CBSA. Mr. Hillier reviewed the financial position of the policy. He noted that it is much better than expected. Medical claims are much lower.

County medical claims are at a 16% inflation compared to a much higher rate nationally. There is a 27% increase in dental. It was his recommendation that they might watch the dental. The reinsurance coverage was only 9/10 of one percent over last year. Therefore, he recommended continuing funding at the present level.

As to inquiries by other entities joining the County policy, Mr. Hillier noted that the reinsurers are reluctant in having more than one owner. However, he did recommend that other outside interested parties look into an association policy which could be made up for smaller entities. He would assist once a determination has been made as to the exact number who would make up that association. He again recommended that the County look at the feasibility of creating an association for those other entities rather than bringing them into the County plan. This would maintain the integrity of the health costs that the County is able to control.

Also suggested by others was that consideration needed to be given in that the Castle Valley Special Service District and the Nursing Home be put in such an association. Mr. Hillier noted that upon receipt of the statistics, he would work up a proposal and bring it back for further consideration by those interested parties.

(21)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:01 p.m. was made by Commissioner Kent Petersen, seconded by Commissioner Dixie Thompson and approved by all members present.

ComMin7-7-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

July 7, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; 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 Auditor, Karen Truman.

(1)

**BID OPENING - CLEVELAND/LAWRENCE ROAD - ORANGEVILLE MILL DAM ROAD**

Commission Chairman Mark Justice asked the County Clerk at this time to open the bids which the Clerk's office had received for asphalt overlay on the Cleveland/Lawrence road and the Orangeville Mill Dam road. Bids received in accordance with the advertisement were from Cox Rock Products out of Centerfield, Utah, in the amount of \$321,350; Valley Asphalt, Inc., out of Spanish Fork, Utah, in the amount of \$321,300; and Hales Sand and Gravel out of Redmond, Utah, in the amount of \$474,200.

Commission Chairman Mark Justice recognized Valley Asphalt, Inc., as the apparent low bidder. All bids and documentation were turned over to Craig Johansen of Johansen and Tuttle Engineering for review and recommendation.

Whereupon, motion was made by Commissioner Dixie Thompson to authorize Commissioner Kent Petersen to sign the awarding of the bid after review and upon recommendation of Johansen and Tuttle Engineering and any other documentation in order to expedite the project. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

**PUBLIC HEARING - FUNDS FOR THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT**

Commission Chairman Mark Justice at 6:07 p.m. opened the meeting for public comment on the proposed contribution of funds from the Emery County Economic Development budget to the Emery County Recreation Special Service District for the purpose of building or improving park/recreation facilities in various communities throughout the County.

Auditor, Karen Truman noted that she believes in the purpose and recommended that the County contribute, recognizing the benefit to each of the communities.

Glynnis Sitterud noted she would like to see this transferred into the Recreation budget as it is a great benefit to nine cities.

Economic Development Director, Bryant Anderson agreed also, noting that this is a 4-1 ratio in that funds provided by the Community Impact Board to that of the County.

Commissioner Kent Petersen noted that this is an excellent project for each of the communities to improve. This will boost economic development and offer attractions to those considering locating in these communities.

There being no other comments, Commission Chairman Mark Justice closed the public hearing at 6:11 p.m.

(3)

#### FUNDING OF EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT

Commissioner Kent Petersen, upon conclusion of the public hearing, made a motion to approve the request for funding of the Emery County Recreation Special Service District with funds to be taken out of the Economic Development budget in the amount of \$60,000. Motion was seconded by Commission Chairman Mark Justice. Commissioner Dixie Thompson abstained. Whereupon, the motion passed.

(4)

#### COMMISSIONERS MINUTES

The minutes of the June 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.

(5)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #932039 through and including #932285 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
39	1993 Chevrolet 4X4 truck - Weed & Mosquito	16,669.00	Approved
40	Sony Microcassette Dictation		

	Machine - Attorney	382.00	Approved
41	5.0 Word Perfect and Installation - Data Processing	420.00	Approved

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Warrant/Check Edit for payment and requisitions for purchase. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)  
EMERY COUNTY RODEO CLUB - REQUEST FOR FUNDING

Four members of the Emery High School Rodeo Club came before the Commission, noting of the 900 rodeo contestants in Utah, six from Emery High School placed five through eight. At the recent rodeo in Fallon, Emery High School placed three contestants to the Nationals. Their purpose in being before the Commission was to solicit support for local participants to compete in the Nationals.

Whereupon, Commissioner Kent Petersen congratulated the Emery High School Rodeo Club, noting that it is one of the more active clubs in the State.

Recorder, Ina Lee Magnuson pointed out that Emery High School does not financially help them.

Whereupon, motion was made by Commissioner Kent Petersen to contribute \$200 to the Emery High School Rodeo Club. Motion was seconded Commissioner Dixie Thompson and approved by all members present.

(7)  
COUNTY PARTICIPATION IN SEASONAL RESTROOM FACILITIES

Commissioner Dixie Thompson, indicated she has had discussions with the Division of Wildlife Resources. Wherein, Huntington Irrigation Company has requested that restroom facilities and trash collection be provided at the Huntington, Cleveland and Millers Flat Reservoirs. It was her proposal and motion that the County contribute up to \$500 as the County's share on seasonal restroom facilities together with the participation by the Forest Service, Division of Wildlife Resources and Sanpete County. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)  
SETTING THE 1993 TAX RATES FOR EMERY COUNTY GENERAL FUND,  
LIBRARY FUND AND FLOOD CONTROL

Auditor, Karen Truman advised those present that the certified tax rate for the Emery County General Fund is .003257; Library Fund is .000382; and Flood Control is .000197. The 1992 tax rate for the General Fund was .003032; Library Fund was .000366 and Flood Control was .000184. She further pointed out that in the Commission's review of the tax rate and the values that the value for Emery County in 1992 was \$1,527,030,019. The 1993 value is at \$1,447,320,146 or a total decrease in valuation of \$79,709,873.

She pointed out the Commission has elected to stay at the 1992 tax rates for the year 1993 in spite of the decreased value. She further pointed out that items such as payments in lieu of taxes will be added into the 1993 budget.

Whereupon, motion was made Commissioner Dixie Thompson to approve the 1993 tax rate at the 1992 level. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

#### TRANSFER OF FUNDS TO THE FAIR BOARD

Auditor, Karen Truman advised the Commission that the Fair Board periodically needs money for various purposes and it has been difficult for them to receive immediate reimbursement through the County system. Therefore, she proposed the balance of the funds budgeted for the fair be transferred to the Fair Board. Wherein, any expenditures of those funds must be approved by the Fair Board Chairman, that two signatures be required on all checks issued and the County request an audit of all disbursements. She further pointed out that such a transfer could be available as soon as tomorrow.

Whereupon, motion was made by Commissioner Dixie Thompson to transfer the balance of the funds set aside for the fair to the Fair Board for their use and that compliance be in accordance through recommendations by Auditor, Karen Truman. Further, to authorize Billie Henrie, who is the acting chairman, Sharon Earl and Commissioner Dixie Thompson to sign checks. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

#### PACIFICORP POLLUTION CONTROL REVENUE REFUNDING BONDS

Mr. Gene Hess, of Utah Power and Light/Pacificorp, and Don Rohbock of Chapman and Cutler, addressed the Commission indicating their purpose in being here today is that Pacificorp is interested in refunding outstanding Pollution Control Revenue Bonds. They presently have \$46,500,000 Pollution Control Revenue Refunding Bonds at 8-1/4% due June 1, 2017, and another \$16,400,000 bonds at 8-5/8% due the same date. Their purpose in being before the



Commission at this time was for Commission consideration for the adoption of a Resolution providing for the holding of a public hearing concerning the issuance of such refunding bonds and provided Resolution 7-7-93A. Wherein, said Resolution provides for the holding of a public hearing for the proposed issuance by Emery County of its Pollution Control Revenue Refunding Bonds. He further noted that the fee due the County would be approximately 6% of the coupon rates. It was anticipated that this would be approximately \$1,000,000 which would be paid up front. They also pointed out that they would pick up any costs incurred by Emery County including bond counsel for Emery County. They further pointed out that they would like to set the Public Hearing for July 27.

At this time, Commission Chairman Mark Justice questioned why the public hearing was not on a regularly scheduled Commission meeting and that the date of July 27 has been set without communication with the Emery County Commission. He further pointed out that the Commission, upon holding such a public hearing, is not obligated to take action on the requested approval and authorization of the issuance of the refunding bonds by Emery County. He further pointed out that the Commission is uncomfortable at proceeding at this time without the benefit of County Attorney, Mark Tanner who is not present at this meeting. However, Commissioner Justice indicated that the County wanted to cooperate. He again emphasized concern over the details without prior Commission approval or authorization.

Mr. Rohbock at this time indicated that County Attorney, Mark Tanner, and Pacificorp have been in communications and such a schedule has been considered for over a month.

After further discussion, motion was made by Commissioner Dixie Thompson to approve Resolution 7-7-93A which authorizes the publication of a public hearing to be set for July 27, 1993, at 6:00 p.m. in the Emery County Commission Chambers. Motion was seconded by Commissioner Kent Petersen who pointed out that the County would like greater cooperation from Pacificorp on tax and other issues. Motion was approved by all members present.

(11)

#### SALVAGE CONCERNS AT THE EMERY COUNTY LANDFILL

Randall Stilson, Operator at the Emery County Landfill, addressed salvaging concerns by persons at the Emery County landfill. He pointed out the apparent liability to the County in having people salvaging during working hours. He noted that in addition, this represents a health concern in that hazardous materials are deposited in the landfill as well as medical waste. Those persons salvaging materials tear open the bags, making it hard to control the paper. He discussed the problem of cows coming into the landfill.

Road Superintendent Rex Funk expressed appreciation to Mr. Stilson in the fine job which he is doing in managing the landfill. He also expressed concern over trash being blown out of vehicles en route to the landfill, including trash purposely dumped in other areas.

Commission Chairman Mark Justice expressed appreciation for Mr. Stilson in bringing this to the attention to the Commission. However, they felt that the Commission would like to take this under advisement, particularly in light of an engineering report to be completed on management of the landfill and would like to talk with the County legal counsel and take their recommendation. They would like approximately 30 days before taking any action.

(12)

#### APPROVAL OF CUSTOMER TRADING RESOLUTION 7-7-93B

Treasurer, JoAnn Behling presented to the Commission Resolution 7-7-93B. Wherein, said Resolution allows for customer trading. This is required by the BLM. Zions Bank must have on file said Resolution which authorizes Emery County Treasurer, JoAnn Behling to purchase the previously approved bond required by the BLM.

Whereupon, motion was made by Commissioner Dixie Thompson to approve Resolution 7-7-93B as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

#### PLANNING AND ZONING RECOMMENDATIONS

Planning and Zoning Administrator, Bryant Anderson presented the following four items for Commission consideration:

- A) All new construction, additions and remodeling, including commercial and industrial, be required to have a building permit and have regular inspections.
- B) A full-time Planning and Zoning official and Building Inspector (same person) be hired before Utah Power and Light coal wash expansion begins.
- C) Inspection fee schedule be modified to eliminate the \$500,001 and up category as presented for adoption.
- D) Re-affirmation of County's adoption of ICBO and NEC Inspection codes.

Whereupon, after further discussion by the Commission, motion was made by Commissioner Dixie Thompson to approve all four items as presented by Mr. Anderson. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

It was later pointed out that item #4 includes an Ordinance for adopting the uniform building code and other mechanical, plumbing and manufacturing housing code and national electric code. Whereupon, it was pointed out that this matter being an Ordinance requires special consideration and advertisement by the Commission and the holding of a

public hearing. Whereupon, motion was made by Commissioner Dixie Thompson to withdraw item #4 with further consideration of an ordinance adopting the ICBO and NEC building codes in Emery County be set for a public hearing on August 4, 1993, at an appropriate time. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

#### COUNTY FINANCIAL SUPPORT OF CASTLE VALLEY RIDGE TRAIL SYSTEM DEVELOPMENT

Commissioner Kent Petersen, together with Road Superintendent Rex Funk, reviewed a request from the Forest Service to haul gravel to the Nuck Woodward guard station. Wherein, in a previous Commission meeting, Nielsen Construction had quoted for the delivery of 445 ton at a cost of \$5.75 per ton, delivered. Road Superintendent Rex Funk pointed out that if the County supplied the material and had to haul in to the top it would be at a cost to the County of approximately \$1,145. The total cost by Nielsen Construction is \$1,113. It was his recommendation that the County proceed with Nielsen particularly in light of the number of road projects the County road crew is working on at this time.

Whereupon, motion was made by Commissioner Kent Petersen to have Nielsen Construction haul the gravel and that Cypress Mining spread the gravel. Should Cypress not be able to spread the gravel, the County only be committed to 1-1/2 days use of a grader for the purpose. Such funds not be taken out of the Road department, but from the Capital Projects Fund. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### SHEN JENSEN - INTENT TO VACATE ROAD

Motion was made by Commissioner Dixie Thompson that it was the intent of the Commission to vacate the Shen Jensen road and to include that in the upcoming public hearing. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

#### EMERY COUNTY ECONOMIC DEVELOPMENT REVOLVING FUND FUNDING REQUEST

Commission Chairman Mark Justice, on behalf of Economic Development Chairman Kent Wilson, requested that the Commission consider using funds in the fund balance, making them available to the revolving loan fund. Commission Chairman Justice noted that this item is to be given further consideration at budget time.

(17)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball noted that in the hiring of Bryant Anderson as the Economic Development Director in 1989 that he would receive a specified level of compensation. That understanding has not been realized. The salary survey which was accomplished in 1991 indicates the average monthly salary of those surveyed to be that of \$3,194. Therefore, she proposed that Bryant Anderson receive a raise of approximately \$1.00 per hour retroactive to January 1, 1993. Currently, Bryant makes \$2,412 per month. The \$1.00 per hour increase would increase his monthly compensation by \$173 or \$2,076 annually for an annual salary of \$31,020.

The Commission recognized support for such a request, however, Commission Chairman Justice further requested review of Mr. Anderson's employment record to indicate salary changes and dates and to visit with the Merit Committee. This is to be given further consideration possibly at the next Commission meeting. It was the consensus of the Commission that they would like additional time to review this.

Auditor, Karen Truman concurred with Mr. Anderson's request, noting that he was initially told that he would receive an increase after six months, but this had never been done.

(18)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She reported on her June 25 meeting in regards to the Comprehensive Planning Committee. Wherein, they reviewed the draft prepared for other counties. It was noted that none of the Commissioners present were happy with those plans. They will be meeting again this Friday to determine any further action.

Commissioner Kent Petersen:

1. He reviewed his meeting in Moab and the new BLM Director.
2. He noted that the County has been required to close the old mill road in Huntington as requested by State Air Quality.

Commission Chairman Mark Justice:

1. He noted that he has attended both funeral services for the Utah Highway Patrolman Dennis Lund who was killed near Green River. He noted that he has a greater appreciation for law enforcement and the risks. He expressed appreciation for the Sheriff and the officers in the County and the tremendous job in which they do.

(19)

OTHER BUSINESS

A) Business License - Kirk Elliott has requested a business license for general contractor - residential and small commercial - in the name of Elliott Construction. Whereupon, motion was made by Commissioner Kent Petersen to approve the business license application of Kirk Elliott as presented on the condition that he provides to the Clerk's office his contractor license number or that the number is obtained through other agencies and that he is properly licensed. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. (After Commission meeting, license #263887 was provided to the Clerk's office.)

(20)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 8:26 p.m. was made by Commissioner Kent Petersen, seconded by Commissioner 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

July 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 Clerk, Bruce Funk.

(1)

PUBLIC HEARING - ENERGY WEST HUNTER PLAN COAL WASH FACILITY

Commission Chairman Mark Justice opened the meeting for a public hearing and turned the time over to Planning and Zoning Director, Bryant Anderson to introduce the purpose of the public hearing.

Mr. Anderson indicated that Energy West would like to improve the coal wash facility at the Hunter Power Plant. He noted that the request has received staff and planning and zoning approval and therefore, would like to proceed with the proposed site plan.

Commissioner Kent Petersen noted receipt of a letter from a citizen. Whereupon, approving the existing wash plant facility. Energy West had made indications that they would provide for dust control on the roads in that area as well as the planting of trees and other commitments which were never done.

Mr. Anderson continued in that there is concern to keep the jobs local. He has had positive response from Energy West indicating they are making every effort to encourage local employment by the construction contractor.

Mr. Dave Mower expressed concern in that 85% of the construction workers on the initial coal wash facility was from out of the State rather than using local skilled individuals and local suppliers, leaving less than 15% from the local area. He wondered if there was any way that Energy West or the Commission could assure a greater percentage in the hiring of local laborers.

Mr. Wayne Jensen of Castle Dale indicated he is the Manager of Human Resources at Energy West, and they are in the process of bidding the job. He indicated they do support the hiring of local laborers where practical and will be encouraging the contractor to do so. However, they won't be in a position to stipulate that in the contract.

Also discussed by those present was the facility being added would be for the cleaning of fine coal, allowing for 100% cleaning of all coal going into the plant.

Commissioner Kent Petersen inquired as to any plans for the additional required storage or reject area. The response was that no plans have been made for increasing the reject pile.

Commission Chairman Mark Justice discussed the upcoming adoption of a permit fee and the hiring of an inspector and whether this would create any problems with a later adoption and implementation on this project. Those present from Energy West indicated that this would represent no problem.

Commission Chairman Justice inquired if there were any other public comments. There being none, he closed the public hearing at 9:26 a.m. and reconvened the regular Commission meeting.

(2)

ACCEPTANCE OF THE ENERGY WEST COAL WASH SITE PLAN

Motion was made by Commissioner Kent Petersen, upon having held a public hearing, that the Commission accept the site plan for the coal wash facility at the Hunter Plant subject to adoption of a fee schedule and an inspector to be considered at the next Commission meeting. (Representatives from Energy West accepted this condition.) Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)  
COMMISSIONERS MINUTES

The minutes of the July 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.

(4)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #932303 through and including #932553 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
42	Disk Drive for Green River - Data Processing	3,195.00	Approved
43	Two Sony Transcribers - Sheriff	888.00	Approved
44	Vehicle measuring instrument - Road	380.00	Approved
45	Dump body beds - Road	19,486.00	Approved
46	Two CPU computer systems - Road	4,700.00	Approved
47	Notebook computer - Assessor	6,015.00	Approved
48	Appraisal lap top computer - Assessor	2,000.00	Approved
49	15 GE mobile radios for posse - Sheriff	13,020.00	Approved
50	Drug detection dog - Sheriff	5,200.00	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 Kent Petersen and approved by all members present.

(5)

#### APPOINTMENTS TO THE SENIOR CITIZENS ADVISORY BOARD

Commission Chairman Mark Justice noted that there is one vacant position and one alternate position available on the Senior Citizens Advisory Board. Therefore, it is his recommendation that Kay Jewkes, of Green River, be reappointed, and as an alternate, Arel Hunt, of Green River.

Whereupon, motion was made to approve the appointments as presented. Motion was seconded Commissioner Dixie Thompson and approved by all members present.

(6)

#### CARBON-EMERY ROAD AGREEMENTS

Commissioner Kent Petersen noted that an agreement had been reached with Carbon County. Wherein, Carbon County would maintain certain Emery County roads accessible through Carbon County and that Emery County would maintain the Mohrland to Hiawatha road. It was recognized that each County already has to maintain a portion of those roads which lie within their County.

Whereupon, motion was made by Commissioner Kent Petersen to accept and approve the agreement for reciprocal road maintenance between Carbon and Emery County as agreed upon. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

#### COURTHOUSE ARTIFICIAL TREE TRANSFERRED TO THE MUSEUM OF THE SAN RAFAEL

Commissioner Kent Petersen noted that they are trying to get the Museum of the San Rafael open. One exhibit is a mountain scene. His request of the Commission was the transfer of an artificial Christmas tree belonging to the County to be donated to the Museum. Whereupon, motion was made by Commissioner Kent Petersen that Emery County donate the unused artificial tree to the Museum of the San Rafael. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### BLM QUARTERLY MEETINGS - STEERING COMMITTEE



BLM Area Manager, Penny Smalley, met with the Commission to discuss the upcoming volunteer day scheduled for May 14, 1994. She indicated plans are presently under way for an area-wide clean-up on BLM land with several sites in Emery County scheduled for improvements. She requested more representation by Emery County on the Steering Committee.

Leslie Bolinder, Commission Secretary, noted that letters had been sent to each of the cities requesting that they submit the name of a representative to be on that committee.

In conclusion, it was the recommendation of Commission Chairman Mark Justice that the BLM and members of their staff meet on a regular basis with the Commission, this being set for the second Commission meeting of each quarter. These are to take place in January, April, July and October. This was the consensus of all present and indicated this would be beneficial.

(9)

#### APPOINTMENT OF COMMISSION CHAIRMAN

Commissioner Kent Petersen noted that in review of the January 1993 minutes, that the Commission neglected to appoint Commissioner Mark Justice as the Commission Chairman. Motion was made by Commissioner Kent Petersen that they would like the record to reflect that it was the Commission's intent in January to appoint Commissioner Mark Justice as the Commission Chairman and until such a time as a successor is duly elected, qualified and installed by the Board of Commissioners. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

#### CLEVELAND-ELMO NATURAL GAS SERVICE - MOUNTAIN FUEL ESCROW AGREEMENT

County Attorney, Mark Tanner presented to the Commission for their consideration an agreement entered into between Emery County and the towns of Cleveland and Elmo. Wherein, the County would provide \$13,300 to the towns to place in a escrow agreement entered into on July 15, 1993, with Mt. Fuel Supply, Emery County and Zions First National Bank. Wherein, the County would deposit in the same escrow account the amount of \$165,000. The \$13,300 represents the town's share, but because of those funds would only trickle in in time, the County is willing to allow the towns the temporary use of those funds at an interest rate of 6.3% per annum. The towns are to return the funds, including interest, to the County on or before December 31, 1993. It was noted this is at the same rate as funds were allowed to be used by the Castle Valley Special Service District.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Interlocal Agreement between Emery County and the towns of Cleveland and Elmo for

the use of County funds in the amount of \$13,300 as outlined in the agreement and adopt Resolution 7-21-93B to authorize the short-term use of funds from Emery County to Cleveland and Elmo towns and further to approve the escrow agreement entered into on July 15, 1993, by Mt. Fuel Supply Company and Emery County. Wherein, upon deposit of those escrow amounts, Mt. Fuel will extend natural gas service to the towns of Elmo and Cleveland. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### COMMISSIONER REPORTS

Commissioner Kent Petersen:

1. He discussed the Millsite ground breaking to be held Thursday, July 22, 1993, at 11:00 a.m. He further noted that KSL-TV has rated Millsite as seventh of eighteen toughest golf courses in Utah. This would be viewed on KSL-TV July 31, 1993.

Commission Chairman Mark Justice:

1. He informed the Commission that the Senior Citizen Nutrition and aging program will be coming to the Commission for additional funding.

Commissioner Dixie Thompson:

1. She reviewed Legislative Task Force hearings with the Division of Wildlife Resources wherein discussion was held as to the combining of the wildlife board and the big game board. She had suggested that cougar and bear be managed by the big game board.

(12)

#### FOUR CORNERS MENTAL HEALTH - FLSA COMPLIANCE

Mr. Jim Whear, director of the Four Corners Mental Health, came before the Commission to discuss mental health workers who are on call and compliance with FLSA. Mr. Whear reviewed how compensation is made for those on call. He indicated some of the employees are exempt. He felt that Four Corners Mental Health was in compliance with FLSA requirements.

Mr. Whear also pointed out to the Commission that the mental health service agreement expires this year with Emery and Grand Counties. His request of the Commission is that the Four Corners Mental Health be considered as the sole source. He handed to the Commission a copy of the original agreement for their review.

(13)

## ORANGEVILLE POWER POLE AT INTERSECTION OF U-29 AND MAIN STREET

Carol Ware, of Orangeville City, who heads up the Beautification Committee, requested Commission support in the form of a letter to UP&L for relocation of the power pole at the intersection of U-29 and Main Street in Orangeville.

It was the consensus of the Commission to write a letter requesting UP&L to relocate the pole, noting that this would be brought up in upcoming meetings with UP&L.

(14)

## EMERY COUNTY SHERIFF POSSE COMMITTEE

Sheriff, Lamar Guymon noted that a committee has been set up for the Emery County Sheriff's posse. The committee consists of himself, Howard Tuttle, Rue Bell and Leslie Thompson.

(15)

## PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel matters for Commission consideration:

A) Road Department - Mike Jensen - Because of the effects of injuries suffered on the job, Mike Jensen will undergo surgery on his back. It is expected that his recuperative period will be until approximately January 21, 1994. During that time, Road Superintendent Rex Funk has requested that Joel Jensen serve as acting grader operator crew leader at the rate of pay equal to that of the other crew leaders: 14-M, \$13.69 per hour. This will be effective July 26, 1993. Joel will revert back to his regular status and pay when Mike is able to return to work.

B) Road Department - Temporary appointment - The temporary appointment of Joel Jensen to fill Mike Jensen's position leaves the department an operator short. To remedy this, Rex has requested approval to appoint a temporary operator from July 21, 1993, to the end of the budget year, December 31, 1993. Further funding arrangements to maintain the temporary position until Mike's return will occur during budget planning for 1994.

C) Road Department - Rick Blackburn - Rick Blackburn has completed his six-month orientation period and has been recommended for the step increase for which he is eligible at this time. Effective retroactive to July 1, 1993, he will progress to Step B on his Grade 10, at a rate of \$9.32 per hour.

D) Elmo Library Janitor - Lori Brady has resigned effective July 13, 1993. Danielyn Avez, upon approval of the Commission, will be hired at a rate of \$4.25 per hour effective July 13, 1993.

E) Emery Library Janitor - Debra Sue Jolley has resigned effective July 23, 1993. Interviews will be held July 22, 1993, to determine the successful applicant.

F) Ferron Library Assistant Librarian - Sue Komar has resigned effective July 16, 1993. Cindy Jones, upon approval of the Commission, will be hired at a rate of \$6.00 per hour effective July 16, 1993.

G) Green River Library Assistant Librarian - Barbara Quist has resigned effective July 28, 1993. Interviews will be held July 27, 1993, to determine the successful applicant.

H) Personnel - The matter of hiring a "floating" employee to perform clerical services among the departments of the County has been reviewed. All of the elected officials/department heads were asked to participate in reviewing applications. Then the elected officials/department heads appointed a panel to interview four applicants for the position. Based on the recommendation of the panel, approval is sought to hire Shellee Jones at a rate of \$6.00 per hour effective July 22, 1993. At this point, however, in order to assess the usage of such a "floater", it is recommended that the position be approved as temporary from July 22, 1993, through December 31, 1993. At the end of that time, we will have a better idea about the demand for such a service and will not be in a position of having offered more than we could actually provide in the form of job duties.

Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve personnel items A-H as requested. Motion was approved by all members present.

I) Career Service Council - This is presently very cumbersome. It has never been used. Commissioner Justice recommended the establishment of a group to study on how to better use the Career Service Council as well as how other Counties use it. Discussed was whether the presently established merit review committee could study the career service council and make recommendations. It was further noted that the County Attorney could possibly review and recommend a restructuring and guidelines. However, it was pointed out and recommended that the Commission consider selecting a new group. At this time, no action was taken by the Commission, but would receive further consideration at a later time.

J) Health Insurance Renewal - It was noted that the County Attorney's office has reviewed this and recommends approval. It was noted that it is at no additional cost to the County. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to renew the health insurance administrative contract. Motion was approved by all members present.

(16)

EXECUTIVE SESSION

Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to adjourn to executive session at 10:50 a.m. to discuss personnel matters. Those present were Pat Snowball, Rex Funk, Carol Ware, Leslie Bolinder, Mark Tanner, Mark Justice, Kent Petersen, Dixie Thompson and Bruce C. Funk.

The Commission reconvened the regular Commission meeting at 12:32 p.m. with all members present.

(17)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:33 p.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST

CHAIRMAN

MINUTES OF A SPECIAL MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

July 27, 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 6:04 p.m.

(1)

PUBLIC HEARING - REFUNDING OF POLLUTION CONTROL REVENUE BONDS

Commission Chairman Mark Justice at this time recognized the purpose of this meeting is to have a special public hearing on the proposed re-issuance by the County of up to \$62,900,000 of Utah Power and Light Pollution Control Revenue Bonds.

County Attorney, Mark Tanner noted that Pacificorp has regularly re-issued bonds in the past to refinance at a lower rate and that is the purpose of the public hearing at this time is to receive public comment.

Darrel Leamaster, of the Castle Valley Special Service District, addressed those present, noting that previously the County had a bond rating of A-1. That has now dropped to an A rating due to the numerous protests by Pacificorp in protesting taxes since 1986. In the recent refinancing of bonds done by the Castle Valley Special District, it increased their cost of approximately 1/2%. He noted that such actions by Pacificorp is crippling the County. Agencies such as his cannot plan on anticipated revenues. Typically in the past Pacificorp has protested. This has posed an extreme hardship on the Castle Valley Special Service District. He would like to see more cooperation and support from Pacificorp and recommended to the Commission that Pacificorp help us before we help them save money. He noted the history in the creation of the Special Service District in that UP&L when they first moved into the area, rather than coming with money up front, helped create the Castle Valley Special Service District, enabling them to bond, indicating they would help pay off this indebtedness. He urged the Commission to hold off until such matters have been resolved.

Mr. Leamaster further reviewed construction projects in which he has requested UP&L to move power poles in Castle Dale and Huntington.

Mr. Gene Hess, representing UP&L/Pacificorp, responded in that the property tax assessments have gone up over the past six years. However, rates and stocks have gone down. Therefore, that is the reason for the protests. The tax issue and the refunding issue are separate issues. He noted that Pacificorp has an obligation to keep costs down. He noted that the construction projects referred to by Mr. Leamaster is not part of the present bond issue. However, they have not budgeted such monies for such relocation, but are proceeding and plan to have the poles relocated by the deadline.

Assessor, James Fauver indicated that his understanding is that Pacificorp would save some \$24,000,000 over the life of the bonds. However, settlement of the tax protest issues would risk \$3 to \$4 million. Non-state assessed values since 1990 have increased, homes this year by 14%. We have not been able to trust Pacificorp. Now the County is in a leverage position.

Auditor, Karen Truman recommended that Pacificorp cooperate with Emery County in that property tax revenues by law are allowed to remain the same. This therefore, shifts the tax burden from State assessed to locally assessed.

Economic Development Director, Bryant Anderson recognized the outstanding cooperation of UP&L/Pacificorp with Economic Development and that he does appreciate it.

Commission Chairman Mark Justice recognized Mr. Gene Hess and the employees in their great efforts.

Mr. Don Robaugh, Bond Counsel, addressed the Commission. He noted that his firm is an independent third party and they serve as bond counsel to the financial market. He

noted that July is a high refinancing month. Therefore, interest rates typically are lower. He understood and appreciated that the Commission is possibly not in a position to adopt a bond resolution, but he has prepared a Resolution for Commission review which at this time does not obligate the Commission.

Commissioner Kent Petersen questioned the effect to those who presently have bonds, the interest rate and what the new interest rate would be.

County Attorney, Mark Tanner reviewed the Resolution as presented. He outlined recommended changes so the intent of the County was clear that they are under no obligation at this time to issue and confirmed the sale of the bonds.

Commission Chairman Mark Justice emphasized that because of UP&L/Pacificorp protests, the borrowing capacity of the County has been adversely effected. The property value of State assessment having been reduced has shifted a greater burden to homes and businesses. In the State Tax Commission dealing directly with Pacificorp in the tax protest issues, the County has no access to what is taking place, the County feels frustrated. The tax issues and the refinancing issues are concurrent issues. He recognized UP&L as a good neighbor and that it is the tax base of the County.

There being no other comments, motion to close the public hearing at 6:58 p.m. was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen and approved by all members present.

(2)

RESOLUTION 7-27-93A

Upon having received public comment, motion was made by Commissioner Dixie Thompson to approve Resolution 7-27-93A to include those recommended changes as discussed by County Attorney, Mark Tanner wherein the County undertakes no obligation in the issuance and confirmation and sale of the bonds, but it is the intent of the Commission to proceed with the refunding of the bonds which shall be by later resolution considered for final adoption at the board's sole discretion. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 6:58 p.m. was made by Commission Chairman Mark Justice.

ATTEST

CHAIRMAN

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

August 4, 1993

Those present at the meeting were Commissioners Kent Petersen and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

Acting Commission Chairman Kent Petersen recognized the absence of Commission Chairman Mark Justice who is away on County business. The meeting was called to order by Acting Commission Chairman Kent Petersen at 6:00 p.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

PUBLIC HEARING - ADOPTION OF BUILDING CODES

Acting Commission Chairman Kent Petersen opened the meeting for a public hearing at 6:00 p.m. to receive public comment on the proposed adoption of an ordinance which requires compliance with the Uniform Building Code as well as other construction codes in the construction of buildings within Emery County. Commissioner Petersen also noted that this brings Emery County into State compliance with the addition of a building inspector. It was also noted that discussed and invited were the cities to participate in the hiring and use of a County building inspector.

There being no public comment, Acting Commission Chairman Kent Petersen closed the public hearing at 6:06 p.m.

(2)

PUBLIC HEARING - VACATING COUNTY ROADS

Acting Commission Chairman Kent Petersen opened the meeting to a public hearing at 6:06 p.m. receive public comment on the proposed vacating of two County roads. Those having been advertised in the Emery County Progress. The one originally requested by Boyd Griffith, of Cleveland, and runs through several properties. Therefore, the County is represented as the petitioner. The other road requested by Shane and Vera Jensen.

Road Superintendent Rex Funk commented on his discussion with the previous Road Superintendent Vernon Leamaster. He noted that the first road has never been designated a road and had no idea why it appeared on the plats.

There being no other public comment, Acting Commission Chairman Kent Petersen closed the public hearing at 6:09 p.m.



(3)

#### VACATING OF COUNTY ROADS

Having held a public hearing and received public comments, motion was made by Commissioner Dixie Thompson to vacate the two roads as noticed up in the Emery County Progress. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(4)

#### COMMISSIONERS MINUTES

The minutes of the July 21, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson to approve the minutes as corrected. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

The minutes of the July 27, 1993, Special Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson to approve the minutes as corrected. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(5)

#### AUDITOR'S BUSINESS

Emery County Deputy Auditor, Jami Luce presented Warrant/Check Edit List #932567 through and including #932763 for payment. There were no requisitions presented for consideration.

Motion was made by Commissioner Dixie Thompson to approve the warrants for payment. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(6)

#### ANGIE HARDY - DONATION REQUEST

Angie Hardy, a Junior Emery High School addressed the Commission indicating that she has been nominated as a congressional scholar to represent her school and community in a delegation of Utahns at the National Young Leaders Conference to be held in Washington, DC. Her request of the commission was a donation to help cover those anticipated costs.

Whereupon, motion was made by Commissioner Dixie Thompson to contribute \$50 to Angie Hardy be taken from Dues and Contributions. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(7)

#### FERRON CITY - EMERY COUNTY RACING ASSOCIATION - IMPROVEMENTS TO RACE TRACK

Garth Larsen, representing Ferron City and in conjunction with the Emery County Racing Association, requested assistance from the Commission in resurfacing the track in Ferron. He noted that the present material is disappearing and that the appearance of rock are discouraging to horse owners to race on the track.

Introduced to the Commission was John Wilson. He reviewed the number of local participants in racing as well as those coming from within and outside the State of Utah.

Commissioner Kent Petersen recognized it as a good project. He suggested that since it is not an emergency situation for immediate upcoming races, that the organizations get together with the Commission and submit an application to the CIB under the Recreation District.

Bevan Wilson noted that the County holds the race during the fair time. It was his recommendation that the material be laid this Fall and worked up in the Spring. Ferron City had estimated a cost of \$7,000. Also, Mr. Wilson discussed the need for a starting gate. He further requested use of the hold County watering truck, requesting that it be located at the Ferron site on a year-round basis to control dust there.

Also discussed were the possible improvements at the Huntington race track.

Mr. Wilson noted that presently they have an option to purchase a used starting gate which would need approximately 1/2 the cost of a new one.

It was the consensus of those present that this matter be submitted to the CIB for funding with consideration of the County's portion at that time.

(8)

#### INDIGENCY FEE AGREEMENT

County Attorney, Mark Tanner presented to the Commission for their consideration were two Indigency Fee Agreements. One between Emery County, Third Party Obligor and Steven R. McCaughey, for legal services rendered in behalf of George Todd Kennedy in the Seventh Judicial District Court and the Seventh Judicial Juvenile Court. And the other between Emery County, Third Party Obligor and Ken Brown, for legal services rendered in behalf of Jason Scott Pearson in the Seventh Judicial District Court.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Indigency Fee Agreements as presented, authorizing the Commission to sign the same. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(9)

CONTRACT FOR UTAH MOTOR VEHICLE SERVICES

Treasurer, JoAnn Behling presented to the Commission for their consideration the Utah State Tax Commission Contract for motor vehicle services. It was her recommendation that the Commission approve the contract, contingent upon the County's request to continue to accept the checks made payable to the State Tax Commission rather than to Emery County.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the contract for Utah motor vehicle services and authorize Commission Chairman Mark Justice to sign the same contingent upon approval of Emery County's request that checks be made payable to the Utah State Tax Commission rather than Emery County. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(10)

CANCELLATION OF AGREEMENT TO LICENSE EMERGENCY REPORTING SUBSCRIBER INFORMATION FOR E-911

Presented to the Commission for their consideration was a cancellation of agreement to license Emergency Reporting Subscriber Information for E-911. This agreement between Emery County, Emery Telephone and US West Communications, in that the parties understand and agree that as a result of the sale of the Green River exchange, information provided under the original agreement will no longer be provided by US West Communications.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the cancellation of agreement to license Emergency Reporting Subscriber Information for E-911 and authorize Commission Chairman Mark Justice to sign the same. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(11)

SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS - AREA AGENCY ON AGING CONTRACT

Submitted to the Commission by cover letter from Maughan Guymon was the fiscal year 1994 contract agreement between the Southeastern Utah Area Agency on Aging in Emery County. This contract is the same as previous years. Therefore, motion was made by Commissioner Dixie Thompson to approve the agreement and authorize Commission Chairman Mark Justice to sign the same. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(12)

#### TREASURER BUSINESS - APPROVAL OF TAX ADJUSTMENTS

Treasurer, JoAnn Behling requested of the Commission adjustments on the following tax properties, some of which did not sell in the May Tax Sale. These are as follows:

- 1) Shirley and Chris Blanton, Account #40421 for \$199.97
- 2) Emery County (Beehive Title), Account #83207 for \$20.23
- 3) Emery County (Beehive Title), Account #83462 for \$20.93
- 4) Emery County (Beehive Title), Account #83470 for \$19.68
- 5) Fred and Virginia Noyes, Account #43853 for \$2,422.88

Her request would be to remove them and make the adjustments in those amounts.

Motion was made by Commissioner Dixie Thompson to approve the adjustments as requested. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(13)

#### LIBRARY BOARD APPOINTMENT

Discussed by the Commission was the recommendation from the Library Board recommending Chris Richards as the Green River representative. Whereupon, motion was made by Commissioner Dixie Thompson to appoint Chris Richards to the Library Board as requested. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(14)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She noted she attended the meeting with the six Forest supervisors of the State of Utah in Escalante. This is a result of the Huntsville, Alabama, meeting wherein the local Counties work with the local Forest Service office and as they work together if any future plans effect the other, they must work with that other agency. She indicated she was very encouraged with those meetings.

Commissioner Kent Petersen:

1. He discussed the number of people who are attending the Fair and Pageant. He noted particularly that the museum is open. He expressed appreciation to the Progress for the articles and efforts of individuals made there.

2. He indicated he has been in meetings to discuss the Utah Centennial Planning for 1996. He discussed originally Emery County had received \$5,000 in a grant for Centennial planning. As a result of the license plate sales, has received another \$1,749. He would like to encourage people to participate in the Centennial license plates.

(15)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items:

A) Road Department - Kay Jensen has resigned his position as Operator with the Department effective August 1, 1993. The department, therefore, requests approval to begin the recruitment process to replace Kay. This is a full-time career service position, Operator II at a rate of 10-A or \$9.12 per hour.

B) Emery Library Janitor - The successful applicant is Pamela Adams, with a hire date effective July 29, 1993, at a rate of \$4.25 per hour.

C) Green River Library Assistant Librarian - The successful applicant is Kristie Stephens, hire date effective July 28, 1993, at a rate of \$6.00 per hour.

D) Economic Development - At the Commission meeting of July 7, 1993, the Commission approved hiring a county building inspector. Since that time, Bryant Anderson, who is currently the Economic Development Director, was offered the position which will combine the duties of building inspector with Planning and Zoning and Civil Defense. Mr. Anderson accepted the offer. Upon approval by the Commission to recruit for the position of Economic Development Director, the process will begin to replace Mr. Anderson, who will continue in that position until such time as a replacement is found. It is hoped that this can be accomplished for presentation to the Commission on August 18, 1993, at their regularly scheduled meeting.

At this time only an approximate entry level salary figure of \$24,000 per year can be presented. This proposed entry level salary is subject to the applicant's experience. This is to be coordinated with the Economic Development Council.

Motion was made by Commissioner Dixie Thompson to approve all personnel items as presented. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(16)

#### STATE COURT CONTRACTUAL AGREEMENT - FISCAL YEAR 1993-1994

Clerk, Bruce Funk presented to the Commission the Appendix A to the State Court contract for the fiscal year 1993-1994. Wherein, the County would receive

reimbursement in the amount of \$110,462 for services and space reimbursements provided to the State Courts.

Whereupon, motion was made by Commissioner Dixie Thompson to authorize Acting Commission Chairman Kent Petersen to sign the Contractual Agreement with the State Courts as submitted. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(17)

#### BAILIFF CONTRACT

Clerk, Bruce Funk reviewed with the Commission the need to approve the Bailiff Contract with the State Courts so that the County may receive payment. Therefore, motion was made by Commissioner Dixie Thompson to authorize Commission Chairman Mark Justice to sign the same. Acting Commission Chairman Kent Petersen stepped down to second the motion. Motion was approved by all members present.

(18)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 7:03 p.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen 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

August 18, 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 9:06 a.m.

The invocation was given by Clerk, Bruce Funk.

(1)

#### COMMISSIONERS MINUTES

The minutes of the August 4, 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 #932772 through and including #933010 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
51	1988 Peterbilt Tractor - Road	28,500.00	Approved
52	Mobile Surveillance Van - Sheriff	26,170.00	Approved
53	6 cat cages, 2 throw nets, one animal weight scale, 12 litter pans, one tranquilizer dart gun - Animal Control	2,989.81	Approved
54	Omniprint forensic light source system, fiber optic cable, 3 viewing goggles - Sheriff	8,305.00	Approved
55	Light bar, headlight flashers, siren speaker, siren, switch box and map light - Sheriff	1,053.85	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)

#### INSURANCE BUSINESS - WRECKED ROAD DEPARTMENT TRUCK

Pat Snowball presented to the Commission for their consideration an Emery County Fixed Asset Disposition form for a 1985 Western Star Tractor Truck belonging to the

Road Department which has been wrecked. The truck was involved in an incident on June 24, 1993. The County has been offered approximately \$12,000 on the truck as salvage. She noted that Rex Funk and Commissioner Kent Petersen have opted to dispose of the truck for salvage. Therefore, her request of the Commission at this time was to approve the disposition of the truck for salvage and to sign the disposition form.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the selling of the truck for salvage as discussed. 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:

A) Justice Court-Green River - Cynthia Elsenrath has completed her six-month orientation period and Judge Burns has recommended she receive a step increase. Retroactive to August 8, Cynthia will go from a Grade 4, Step A or \$7.11 per hour to a Grade 4, Step B or \$7.27 per hour.

B) She advised the Commission that a temporary employee of the County Road Department has accepted employment with another employer. Therefore, this leaves a vacancy for a temporary employee in the Road Department. Her request of the Commission was permission to fill that vacancy. She further noted that in addition, the Commission has already authorized the filling of one other temporary and one full-time position.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the step increase for Cynthia Elsenrath in the Green River Justice Court as recommended and approve the hiring of a temporary employee in the Road Department. Motion was seconded by Commissioner Kent Petersen and approved by all members present. (Additional personnel items were presented later in the meeting. See items #18).

(5)

#### RSVP - STATE ACTION FUNDS

Carolyn Randall, Director of the Emery County RSVP presented to the Commission for their signature the contract in regards to the Emery County RSVP State Action Funds which reimburse volunteers for their transportation expenses. Whereupon, motion was made by Commissioner Dixie Thompson to approve the contract as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

#### ROAD DEPARTMENT RIGHT-OF-WAY GRANT - BLM ISSUANCE



Road Superintendent Rex Funk presented to the Commission for their consideration the Right-of-Way Grant from the BLM. This is a 30-year grant. It provides access into a gravel pit in the Green River area.

Whereupon, motion was made by Commissioner Dixie Thompson to approve and accept the right-of-way grant as offered by the BLM under their application #UTU-67438. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

#### EMERY COUNTY AGING AND NUTRITION BUDGET

Maughan Guymon, Director of the Emery County Aging and Nutrition program advised the Commission that in the last three to four years they have had a fund balance in their budget. Therefore, they have not requested substantial increases of the Commission these past years. However, in 1991 they lost the USDA Commodities program which has now resulted in a deficit spending of approximately \$2,300 per month more than what was budgeted. However, they are not yet in the red because of past years fund balances. If this continues this year, they will have spent approximately \$27,000 more than what was budgeted.

Therefore, Commission consideration needs to be given in the replacement of those funds or possibly cutting services. Their proposal before the Commission would be for assistance, requesting that the Commission open the budget and put in \$15,000 now, \$10,000 for nutrition and \$5,000 for socialization. Because they are on a fiscal year, that monies be budgeted such that January 1, 1994, the County budget include an additional \$30,000 for a total of \$45,000. He again emphasized that the major factors requiring these additional funds in order to maintain the current level of service is the loss of USDA commodities and the bonus commodities. He continued in that this could continue until approximately May of 1994.

Commission Chairman Mark Justice and Commissioner Dixie Thompson asked that Mr. Guymon provide to the Commission the projected savings should the aging counsel implement some of the possible cost saving suggestions outlined in Mr. Guymon's briefing and proposal. Such as increasing the suggested donation for the nutrition meals, cutting down the conjugate meal days at all centers to one day per week, going to a waiting list for home delivered meals, pot-luck conjugate meals and as such. It was also suggested that the Commission would like suggestions as to what other counties or agencies are doing in regards to the same problem. The consensus of the Commission is that they are not ready to make a decision at this time. However, they do recognize the need and will give it further consideration. Mr. Guymon indicated he would furnish the information requested.

(8)

## REQUEST FOR FINANCIAL DONATIONS

A) San Rafael Jr. High and Canyonview Jr. High Girls Athletics - Commission Chairman Mark Justice indicated that he has been approached for assistance in school athletic programs. He further pointed out that he has indicated that no funds have been budgeted and two years ago the County assisted in the purchase of certain equipment. His suggestion was that they make a request of the County so that it can be considered at budget time for next year.

Auditor, Karen Truman noted that such requests need to be in by September. Suggested was that they possibly send letters to schools and city organizations.

B) Ferron Peach Days - Free Family Fun Committee - Commissioner Kent Petersen indicated he has been approached by Drew Sitterud who requested financial support from the County in putting together the free family fun activities to be located at the Mayor's Park in Ferron. He outlined to the Commission what those activities involve. He recommended that the County help financially. The concern of the Commission was that other cities in the future might make similar requests. Commissioner Kent Petersen noted that this is the first time for this. Therefore, it was his recommendation and motion that Emery County donate \$200 to the Ferron Peach Days as requested for the free family fun activities. Motion was seconded by Commission Chairman Mark Justice. Commissioner Dixie Thompson abstained. Whereupon, motion passed.

(9)

## FOREST SERVICE REPORT

Forest Supervisor, Ira Hatch came before the Commission and gave them a report on the activities in which the Forest Service has been involved in. Among those was the Swells Water Shed project. He noted that they have now received enough money to finish the project this year. He indicated that they have opened old water shed treatment areas to limited grazing this past year. He noted they don't have much information in regards to the new proposed grazing fees. He indicated the proposal is out and the comment period is until September. He suggested local input. Also discussed were the forest areas infected by the Spruce Beetle. He also discussed Ferron Reservoir, improvements to the Joe's Valley recreation area, the Orangeville/Ephraim road, Water Conservancy District and water monitoring, UP&L's application for exploratory coal drilling, the TV trail head at Reeder's as well as other items.

Upon conclusion, Commission Chairman Mark Justice requested that the Forest Service meet on a formal basis with the Commission at least quarterly. It was concluded that the meetings be scheduled for the October 6, 1993, and January 5, 1994, Commission meetings at 6:00 p.m. This is in an effort to make the public aware so they may address their concerns also.

In conclusion, Mr. Hatch expressed appreciation to the Commission and Road Superintendent Rex Funk for their work on the Dragon Road in the Swasey Creek area as well as Mary's Lake.

(10)

#### EMERY COUNTY SPECIAL SERVICE DISTRICT #1 BOARD APPOINTMENT

Commissioner Kent Petersen read a letter dated August 16, 1993, from the Emery County Special Service District #1 wherein outlining a vacancy on the Control/Advisory Board due to the resignation of Leon Thayn of Green River. It was the Board's recommendation that the Commission appoint Dean King of Green River to fill Mr. Thayn's vacancy. It was noted that Mr. King is willing to serve in that position.

Whereupon, motion was made by Commissioner Kent Petersen to appoint Dean King to fill the unexpired term of Leo Thayn with a term expiration date of January 1, 1995. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### COUNTY LANDFILL/TAHOMA REPORT/FENCING PROJECT

Commission Chairman Mark Justice advised the Commission of his recent attendance at a conference on the regulation of landfills and solid waste management and he would give the Commissioners as well as Road Superintendent Rex Funk and Randall Stilson a report on those meetings. He further noted that the Commission has just received the report from Tahoma on the County Landfill. It was his recommendation that, with monies budgeted, the County proceed in getting the landfill property fenced. As to the extent of fencing, that would be determined later based on the funds available and amount of fencing which can be done for those.

Whereupon, motion was made by Commissioner Kent Petersen to proceed with the fencing project at the landfill and that the County obtain the services of Johansen and Tuttle Engineering to prepare proposals with various options for further consideration by the Commission. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Commissioner Kent Petersen further recommended that the County begin the licensing process with the State in regards to the landfill to which the Commission concurred.

(12)

#### COMMISSION REPORTS

Commissioner Kent Petersen:

1. He indicated that the County is responsible to provide a County gift at the Utah Association of Counties convention in St. George in November. Whereupon, it was the consensus of the Commission that this matter be turned over to Commission Secretary Leslie Bolinder.

2. He commended Commissioner Dixie Thompson and those persons involved in the County Fair for the good job done.

Commissioner Dixie Thompson:

1. She gave a status report of the County's Fair Board. She noted the changes which have taken place there. She gave credit to the fair people who stepped in and took over the fair to make it a success.

2. She reviewed conversations wherein Castle Dale City has been contacted about a fair building by the Fair Board. It was their recommendation that this be put in the Castle Dale Rodeo grounds area. The County would contribute one-half of the cost to build a facility with Castle Dale City going to the Community Impact Board for the remaining one-half. Castle Dale City would further be responsible for care of the building, insurance, construction and the scheduling. She noted that it has been extremely difficult for many of the older people attending the County fair wherein the exhibits were distributed in various buildings. She noted that Castle Dale City would like to meet with the Commission to determine the size and type of building and some of its uses.

(13)

#### BEAR CANYON CAMPGROUND

Road Superintendent Rex Funk discussed the recent flooding problems at the Bear Canyon Campground. He recommended that possibly a concrete storm drain be installed. It was therefore his recommendation that the Commission give further consideration for an engineering design and feasibility study. He noted improvements made by Genwal Coal in the installation of a new volleyball court at no cost to the County. It was understood that a letter of appreciation would be extended to them.

(14)

#### BUSINESS LICENSE

Clerk, Bruce Funk presented to the Commission an application for Business License from Brandon Payne for a business entitled Wildcat Welding. This having been approved by Planning & Zoning Administrator Bryant Anderson. Whereupon, motion was made by Commissioner Dixie Thompson to approve the business license application as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

#### LANDFILL SALVAGING PROBLEMS

Landfill Operator Randall Stilson again addressed the Commission in a follow-up to a previous Commission meeting wherein he expressed concerns over those persons salvaging at the County landfill. He noted that the situation has continued to become more serious. His recommendation of the Commission is that persons be prohibited from salvaging during working hours because of the liability to the County.

Therefore, it was the consensus of the Commission that this item be put on the agenda for the next Commission meeting with a recommendation from the Attorney's office as to possible signing at the landfill and hours of operation.

(16)

#### EXECUTIVE SESSION

Motion was made by Commissioner Dixie Thompson to adjourn at 11:31 a.m. to Executive Session to discuss personnel matters. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

Those present during the Executive Session were Commissioners Mark Justice, Kent Petersen, Dixie Thompson,;Deputy County Attorney, David A. Blackwell; Auditor, Karen Truman; Personnel Director, Pat Snowball; and Clerk, Bruce Funk.

Personnel matters were discussed.

(17)

#### RECONVENE TO REGULAR COMMISSION MEETING

Commission Chairman Mark Justice reconvened the regular Commission meeting at 12:36 p.m. with all members present.

(18)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel matters for Commission consideration:

A) Economic Development - As a final step in the recruitment process, three applicants for the position of Economic Development Director, were interviewed Tuesday, August 17, 1993, by Commissioner Mark Justice; Kent Wilson, Chairman of the Emery County Economic Development Council; and Personnel Director, Pat Snowball. It is recommended by this panel that Rosann Fillmore be appointed to serve as the Emery

County Economic Development Director, effective September 1, 1993, at the recommended entry level for that position, Grade 18, Step A or \$12.76 per hour.

B) Planning & Zoning Director - Final approval is sought to appoint Bryant Anderson to serve as the Planning and Zoning Director, Building Inspector and Emergency Management Director (Civil Defense). This will be effective September 1, 1993. It is recommended that Bryant continue to receive his current wage until the time he has completed the required certifications for building inspector. At that time, he will receive at least \$1.00 per hour increase; from a Grade 18, Step E for \$13.91 per hour to a Grade 18, Step I or \$15.07 per hour. This is an increase of \$1.16 per hour. The additional amount places him on the proper step on the salary plan.

Commissioner Dixie Thompson noted that it was her request for the Executive Session in order to understand the total process involved in the selection of the Economic Development Director.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the appointment of Rosann Fillmore and Bryant Anderson as presented. Also, upon verification that Mr. Anderson has been certified some of those areas as discussed that the Commission consider an overall \$1.16 per hour or Step increase or portion at a later time. Motion was seconded by Commissioner Kent Petersen. Commission Chairman Mark Justice inquired if there were any further comments from those in attendance. There being none, motion was approved by all members present.

(19)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:41 p.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen 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

September 1, 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 6:02 p.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

#### PUBLIC HEARING - FM RADIO STATIONS

Commission Chairman Mark Justice opened the Public Hearing at this time to received comment on which FM radio stations should be installed on the new translators at Horn Mountain.

Joel Dorsh - He addressed the Commission in that only certain frequencies can be rebroadcast. There is also the possibility of a future FM broadcast locally which possibly may have to be eliminated because of all translators being filled. He further noted that one of the Carbon County stations has located its translator on Cedar Mountain. With the installation of an additional antenna, they could have rebroadcast into Emery County. He further noted that of the two previously installed only one or so payments were received. He indicated that the Price stations anticipate targeting the advertising to Emery County.

Dan Huntsman, Castle Dale - He reviewed his letter previously submitted to the Commission requesting that they consider rebroadcasting KMXU out of Manti. He noted that the station manager has expressed an interest in helping. He indicated this station would give something for the rest of the residents of the County very similar to what FM100 used to be. Its frequency in the Manti side is at 105.1.

Commissioner Dixie Thompson noted she has received considerable comment from residents in Ferron requesting an older easy listening type music station.

Electronics Technician, Bret Mills, in responding to questions from Commissioner Kent Petersen, noted that the County only has three frequencies left. He provided a list of those frequencies, both receiving and transmitting, to the Commission. He noted that installation of KMXU would not only use up one station for rebroadcasting, but would eliminate the use of one of the other channels because of the nearness of its receiving frequency. He further pointed out that all translators are licensed to the County except one.

There being no other comments, Commission Chairman Mark Justice closed the public hearing at 6:26 p.m.

It was the consensus of the Commission to take no action at this time. However, they asked Bret Mills for various options for future Commission consideration.

(2)

#### PUBLIC HEARING - 1993 EMERY COUNTY BUDGET AMENDMENT - RESOLUTION 9-1-93

Commission Chairman Mark Justice opened the Public Hearing to receive comments in regards to increasing the 1993 Emery County General Revenue and Expenditure budget. Commission Chairman Justice invited Auditor, Karen Truman to address those changes recommended within the budget.

Auditor, Karen Truman pointed out that in 1989 the Commission had combined the Planning and Zoning and Economic Development. It has now been dissolved into two separate departments. Therefore, there is a need to create a Planning and Zoning Budget in which the Commission is desirous to put into that budget \$26,700, with \$16,510 in the revenue side coming from building permits and fees. The remaining revenues to be apportioned from the fund balance. It was therefore, her recommendation that the Commission amend the budget as presented in Resolution 9-1-93.

Commission Chairman Mark Justice inquired if there was any public comment at this time. There being none, he closed the public hearing at 6:30 p.m.

(3)

#### ADOPTION OF AMENDED 1993 EMERY COUNTY GENERAL REVENUE AND EXPENDITURE BUDGET - RESOLUTION 9-1-93

Upon having held a Public Hearing to receive comments on the proposed amending of the 1993 budget as outlined in Resolution 9-1-93, motion was made by Commissioner Kent Petersen to adopt the amended budget as contained in said Resolution. He noted that this will cover the remaining four months of the 1993 budget year. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### COMMISSIONERS MINUTES

The minutes of the August 18, 1993, Commission meeting were held for the next Commission meeting to allow sufficient time for review.

(5)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #933026 through and including #933234 for payment.

The following requisition was presented for Commission consideration:

Req. #	Item and Description	Amount	Action
56	Computer System - Sheriff	1,821.70	Approved



Motion was made by Commissioner Kent Petersen to approve the warrants and checks for payment and the requisition for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Road Department - The department would like to fill the full-time career service position with Gerry Hatch, effective 9-2-93 at a rate of 10-A, \$9.12 per hour.

B) Communications Department - The department would like to acquire temporary help, effective 8-30-93 to approximately 12-31-93 at a rate of \$5.00 per hour. Further, the department would like approval to appoint Jeremiah Johnson to perform the necessary duties.

Motion to approve the above personnel items was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen and approved by all members present.

C) Planning and Zoning/Building Inspection/Civil Defense - At the Commission Meeting on August 18, 1993, there was discussion about how to compensate Bryant Anderson as he progressed through the training required to perform the duties of building inspector. The Commission requested further information about the training, i.e., where it would occur, when, etc.

There are four categories in which Bryant must certify. All encompass State certification and International certification. Both aspects of the training should be completed for Bryant to serve the best possible service to the County:

1. MECHANIC - Bryant completed both State and International sections of this training three years ago and is due for recertification by February 1994.

2. PLUMBING - Bryant has completed the State certification. In order to perform at the optimum level, he will have to complete the International as well. The two-semester coursework is given at Utah Valley Community College.

3. BUILDING CODE - Both State and International Certifications are needed. The two-semester coursework is given at Utah Valley Community College.

4. ELECTRICAL - Both State and International Certifications are needed. Coursework is obtained through the State with completion of the course being approximately May 1994. Results of the tests will not be received until approximately August 1994. The training is free.

Bryant would very much like to see a two-step increase retroactive to January 1, 1993, for the achievement of the Mechanic and Plumbing training received three years ago. Currently, Bryant is at an 18-E or \$13.92 per hour. A two-step increase would put him at 18-G or \$14.49 per hour a difference of .57 cents per hour. When all certifications are finished and the results in approximately August or September 1994, he would receive another two-step increase from 18-G to 18-I or \$15.07 per hour. The difference in pay here would be .58 cents per hour. The total pay raise would be \$1.15 per hour, which is a little over the dollar an hour.

Commission Chairman Mark Justice noted that Mr. Anderson has completed only one certificate in its entirety and that he could not support a retroactive step increase as requested. The Commission concurred.

Whereupon, motion was made by Commissioner Kent Petersen to approve a one-step increase effective immediately for Mr. Anderson. Motion was seconded by Commissioner Dixie Thompson. It was the consensus of the Commission that in the future as each certificate is completed, that there would be a one-step increase for a total of four step increases. Motion was approved by all members present.

(7)

#### TV RECEPTION - CABLE TELEVISION - CHANNEL 50

Electronics Technician, Bret Mills advised the Commission that complaints in regards to poor re-transmissions on the Cable Television network within the County is a result of the cable people using old frequency antennae. He indicated he has been working with Ron Cline of Cablevision who has ordered new antennas and anticipates improved reception of local stations and resultant better re-transmissions. Mr. Mills further discussed that channel 4 has been cleared up. He is presently working on channels 2 and 5. At this time, Commission Chairman Mark Justice read a letter from one of the mayors of one of the communities complaining about poor reception of the local stations on the cable service. Mr. Mills responded. He further noted that the cable service is losing signal. Commission Chairman Justice inquired if a meeting was necessary with the cable people. Commission Secretary Leslie Bolinder pointed out that the cable service people in responding to complaints are blaming the County for the problem.

After further discussion, Mr. Mills recommended that the Commission some time in the future consider rebuilding the structure on Horn Mountain. In regards to Channel 50, Mr. Mills continued in that the County is giving away the right to put a future channel on that translator. It was his recommendation that Channel 14 be rebroadcast on Channel 50 and that the present channel 50 operated by Castle Broadcasting Corporation be moved to channel 26.

Joel Dorsh in responding noted that such a request was anticipated and that they have been working with a 100 watt translator for channel 50. To move to channel 26 would be back to a 20 watt translator. However, he indicated they are more than willing, but recommended to the Commission that in relocating channel 50 to 26 that a must-carry form be completed by the Commission requiring that the cable television company carry that channel and appropriate advertising be done in order to notify the public that they are switching to channel 26.

Willie Frisbee noted that the School District has created a television production class now that they have an outlet over channel 50.

Mr. Mills noted also that in the move to channel 26 that the local station would have 100% access.

(8)

#### CASTLE BROADCASTING CORPORATION CONTRACT AMENDMENT

Commissioner Kent Petersen, upon request of Joel Dorsh, made a motion to amend the present agreement between Emery County and Castle Broadcasting Corporation. Wherein, allowing them to broadcast from Channel 26. Whereupon, motion was seconded by Commissioner Dixie Thompson and approved by all members present. It was agreed by those present that Cablevision of Utah be requested to carry channel 26 provided it does not bump off an existing channel.

(9)

#### MERWIN JOHANSEN - WILSON SPUR

Commission Chairman Mark Justice asked Road Department employee Ray Petersen to summarize the Wilson Spur road. Mr. Petersen indicated that it has been on the County road system since the 1950's, it is a 1/4 mile long lane in the Cleveland area in which the Road Department has maintained.

Merwin Johansen questioned whether the County had a road right of way through his field, noting that originally it was approximately twelve foot and has now been expanded to 40 feet and that was too much. He could not see a need for more than a 25 foot right of way. He pointed out that the gates have been left open allowing cattle to get out. He indicated he can't get into the lower part of his field. He would like it to stay as a lane and not be any wider than 25 feet and that the cattle guard be installed at the end of the County road.

Carol Ware of the Road Department noted that the road has always shown as a County road. It is .26 miles.

Commission Chairman Mark Justice pointed out that the location of the cattle guard was the best location because of existing trees.

Ray Petersen further pointed out that relocating it was not feasible because of water lines.

Cory Hansen addressed the Commission that the original intent was to offer the County gravel off their property. In exchange the County would place gravel on their lane and road right of way below the Wilson spur. He anticipated approximately 260 yards were needed. He indicated the issue has been blown way out of proportion by the Johansens.

James Atwood addressed the Commission, outlining the issues. He noted that the issues are legal issues and their request of the Commission was for some gravel in order to maintain the road.

County Attorney, Mark Tanner advised those present that the main issue being discussed by the parties today was a matter with which they would have to resolve between themselves or through the judicial system. The County can do nothing to resolve their differences and that the County could only make improvements on the road as requested in exchange for gravel provided that an agreement is reached between the parties and that the County would not be held liable or responsible.

Commission Chairman Mark Justice inquired of Mr. Johansen if they were willing to sign any such waiver to Emery County. They indicated they would not be willing to until the road was properly relocated.

Therefore, no action was taken by the Commission at this time.

(10)

#### CASTLE COUNTRY TRAVEL COUNCIL

Castle Country Travel Council Director, Rue Ware addressed the Commission noting the need to make changes. He indicated tourism brings some \$2.9 billion into the State of Utah annually and is not sure Emery County is getting their share. He indicated what could be done to increase tourism in Castle Country. Possible projects the Commission might consider would be to oil the following roads: from Castle Dale to the Wedge, from Castle Dale Highway 10 to I-70, from I-70 to Swasey's Cabin, Woodside to Buckhorn Flat and Highway 155 to the Dinosaur Quarry. He then presented to the Commission a slide presentation showing what could be done with the road and signing into the Rochester Pictograph Panel. He further discussed tourists he has visited with from other States and other Countries who are presently in the area. In conclusion, he suggested that the Commission take a good look at what can be done to improve roads and signing in the County as a means of attracting a greater number of tourists.

(11)

#### NOXIOUS WEED - PURPLE LOOSESTRIFE OUTBREAK

Jay Mark Humphrey, of the Emery County Water Conservancy District addressed the Commission. He noted that the purple loosestrife weed is presently not on the County or state noxious weed list. He pointed out that there are approximately 300 acres presently in the County which are infested by the weed. Once it takes over there is no way to fight it. It is located by the Huntington Reservoir and is heading towards Cleveland and into the Colorado River drainage area. The Conservancy District is willing to buy the chemical and pay one-half the cost of aerial spraying for the weed. He outlined to those present the anticipated cost to the County would be approximately \$6,000 and the County would have to commit to a continual effort to eradicate the plant.

Carl Bott reported on findings of meetings with other State people. It was his recommendation to the Commission that this be added to the County noxious weed list.

James Nielsen, Weed Department Supervisor, noted that the infestation in the County is the only infestation on the Colorado River drainage. He indicated the purple flower we see now is from seeds three to four years ago. The efforts have to be now or never. He also outlined interest and participation by other agencies.

Penny Smally of the BLM noted that her office fully supports the efforts and any outcroppings of five acres or more needed evaluation. The BLM would like a map and questioned the type of chemical used. However, it was pointed out to her that no serious outcroppings have been found at the present time on BLM properties.

Whereupon, motion was made by Commissioner Dixie Thompson to proceed with the necessary paper work in declaring the purple loosestrife a County noxious weed and that the County participate in one-half of the aerial spraying costs up to \$6,000. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

It was further agreed upon that the Conservancy District would assist the County weed department in this effort.

(12)

#### MUD SLIDE IN LOWRY WATER - JOE'S VALLEY

Jay Mark Humphrey noted that the Water Conservancy District has been involved in the mud slide in the Lowry Water in the Joe's Valley area. Wherein, five properties were affected. The efforts of the District were to prevent sediment running into the Joe's Valley Reservoir and stabilize the slide. Since that time the State has required that the channel be widened, trees removed and other improvements. They have filled out the necessary permits. The estimated cost for this is approximately \$8,000. He noted that they have no responsibility to protect the private property. The work would have to be done before next May. He recommended that it be completed by the end of October. It is really out of the District's jurisdiction.

Commissioner Kent Petersen agreed in the improvements the District undertook. However, the Commission agreed to take this under advisement.

(13)

EMERY WATER CONSERVANCY DISTRICT - INCREASE TAX RATES

Eugene Johansen of the Emery Water Conservancy District noted that the District held a public hearing on August 23. The present tax rate for the District is .000161. They can go up to a rate of .000400. Because of mining and the need to monitor Spring flows, as having been discussed in a previous Commission meeting, the Water Conservancy District would be looking to increase their tax rate to .000300. This is in an effort to raise some \$243,000 to monitor the water and protect the water rights of the County.

Commission Chairman Mark Justice inquired if there was any public comment in regards to this matter. There was none.

(14)

FENCING AND SIGNING AT THE COUNTY LANDFILL

Commission Chairman Mark Justice advised the Commission that they are presently proceeding with bidding out the fencing and signing at the landfill, for their information.

(15)

UTAH INDOOR CLEAN AIR ACT

Commission Chairman Mark Justice noted that he has received a letter from the Southeastern Utah Health District wherein some County facilities may not be in compliance with the Utah Indoor Clean Air Act.

After discussion, motion was made by Commissioner Kent Petersen that the Southeastern Utah Health District be contacted and that they make an evaluation and determine what needs to be done in County facilities to bring them into compliance. Also, through the County Attorney's office the Commission draft a letter for signature to be sent out to those facilities requiring what needs to be done to bring them into compliance. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

HUNTINGTON CATTLEMEN'S ASSOCIATION - ROAD WIDENING - WATER LINE

Commission Chairman Mark Justice noted that the Huntington Cattlemen's Association has requested the use of a County dozer to clear a trail from their cattle corral facility to Huntington Creek. Also requested was permission to install a water line from the campground water line to the corral. The anticipated cost is \$600 to \$700. He noted that both projects have merit and suggested favorable consideration by the Commission. He noted this would be a maximum of 500 feet of water line and trench.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the widening of an existing trail and approve installation of a water line to the corral. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

#### EMERY COUNTY RECREATION DISTRICT UPDATE

Commission Chairman Mark Justice noted that the Emery County Recreation District has received a grant from the Community Impact Board and Minchie Digging was the successful low bidder for the recreation projects in various communities. He further noted that they are working with Green River in making an application to the CIB for funding of the Golf Course at Green River.

(18)

#### NIGHTTIME HUNTING ORDINANCE

Commissioner Dixie Thompson reviewed that the State now has passed a law in regards to nighttime hunting of certain non-game animals and it allows each County to adopt their own nighttime ordinance. This is in an effort to keep down the coyotes, skunks, raccoons and fox while protecting land owners and livestock owners. The draft ordinance has been taken from the State Ordinance. Wherein, it would issue two types of permits, a Class 1 and Class 2, depending on the type and caliber of rifle. It would include age limits. Permits would be obtained through the Sheriff's office. Her request of the Commission was to proceed with drafting an ordinance.

Ray Wareham of Ferron, Utah, objected to any hunting after hours.

Therefore, it was the consensus of the Commission that this item be put on the agenda for the next Commission meeting for an informal public hearing. They encouraged land and livestock owners to that hearing as well as the later formal public hearing.

(19)

#### TREASURER'S BUSINESS

A) Cleveland-Elmo Repayment - Treasurer, JoAnn Behling noted that her office has received payment for the short-term use of funds by Cleveland and Elmo as agreed upon by the previously entered into contract.

B) Motor Vehicle Division - Mrs. Behling advised the Commission that State Motor Vehicle has accepted the amended agreement to the motor vehicle contract. This having been previously discussed and approved by the Commission.

(20)

#### UPDATE ON PLANS FOR NEW AIRPORT

Commissioner Dixie Thompson noted that she has met with Johansen and Tuttle Engineering, John Herman as the consultant, pilots and other persons in regards to relocation of an airport. She noted that the most practical site is on top of Oil Well Dome. It does meet much of the criteria required by the FAA. She noted that the FAA will put in some 90% of funds in the creation of a new airport with 4.96% from the State and Emery County with a 4.96%. She noted this is all in the school trust land section. She indicated construction of a new airport would depend entirely on the FAA participating.

(21)

#### GRAZING FEE INCREASE AND LOBBYING EFFORTS

Commission Chairman Mark Justice reviewed the federally mandated grazing fee increase. He noted that as Commissioners and elected officials that they need to do whatever they can to oppose those increases. He inquired as how to best influence as well as possibly contributing monies to good causes in that effort.

Commissioner Dixie Thompson reviewed meetings and efforts both through the Utah Association of Counties as well as combining with other entities in a good united effort to combat these increases. A coalition is being formed throughout the west.

Commissioner Kent Petersen recognized that it would be good to become a part of any coalition in this effort. However, he recommended that the Commission submit their own letter.

Ray Wareham, of Ferron, Utah, inquired of the Commission if they had any figures as to the effect of livestock on the economy in Emery County and what those losses would be should livestock producers be put out of business as a result. He noted that Dan Hunter, of First Interstate Bank, needs this information as well as the other banks. He suggested that Mr. Hunter get in contact with Job Service who has much of the statistics.

John Lemmon, of Ferron, Utah, noted that he opposed not only the increased fees but any increased regulation being imposed.

Commission Chairman Mark Justice noted that the Commission might consider any lobbying efforts or contribute to organizations to help finance such an effort.

(22)

#### STATE AND FEDERAL COMMENT PERIODS

Commission Chairman Mark Justice expressed concern whether the County was responding in a timely manner to comment periods as they relate to Federal and State permits, leases, etc. Concern expressed by those present was that they did not have time



to answer all and efforts be considered by the Commission. Further, this be given consideration at the next Commission meeting.

(23)

#### EXECUTIVE SESSION

Motion was made by Commissioner Dixie Thompson to adjourn to Executive Session at 9:23 p.m. to discuss financial commitments between Emery County and the Emery County School District. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

Those present during the executive session were the Commissioners, County Attorney, Mark Tanner; Clerk, Bruce Funk; and Auditor, Karen Truman.

The Commission reconvened the regular Commission meeting at 10:07 p.m.

(24)

#### MEETING ADJOURNMENT

Motion was made by Commissioner Dixie Thompson to adjourn the Commission meeting at 10:07 p.m., seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST

CHAIRMAN

ComMin9-15-93

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

September 15, 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 Maughan Guymon.

(1)

#### COMMISSIONERS MINUTES

The minutes of the August 18, 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.

The minutes of the September 1, 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 Auditor, Karen Truman, presented Warrant/Check Edit List #933235 through and including #933407 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
57	Ten mini 14's - Sheriff	4,450.00	Approved
58	Prisoner cage - Sheriff	330.80	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)

#### EMERY COUNTY AGING AND NUTRITION REQUEST TO REPLACE SPENT FUND BALANCE

Maughan Guymon, Director of the Emery County Aging and Nutrition, inquired of the Commission if they had any questions in regards to the report submitted last Commission meeting. He further inquired as to the action that would be taken by the Commission.

Commission Chairman Mark Justice noted that because this requires additional funding outside that which was budgeted, no action can be taken until a public hearing is held. It was pointed out that such a notice for public hearing would be required seven days prior. However, Auditor, Karen Truman suggested that because it is this close to the end of the budget year, the Commission determine what action they would like to take and a final adjustment to this budget be done at the time the County opens all of the department budgets and make the necessary adjustments.

Therefore, it was concluded by all present that Mr. Guymon would meet together with the Commission to study the options after which they would make a determination as to any final action by the Commission. Therefore, this item was tabled at this time for further discussion.

(4)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Insurance - Because of the high losses due to automobile accident claims, Utah Association of Counties Insurance Mutual has requested that all individuals who are approved to operate County vehicles participate in the defensive driving course. The registration fee for the four-hour course is \$10 which will be born by the personnel department. Because the County is requiring attendance, each driver will be compensated at their regular rate of pay; an expense which will be assumed by the department. Four, four-hour sessions are scheduled for October 13 and 14 in the Commission chambers at the Courthouse beginning at 8:00 a.m. and 1:00 p.m. Notice will go out in the paychecks Friday, September 17.

Whereupon, motion was made by Commissioner Kent Petersen to support the defensive driving class as outlined in Mrs. Snowball's memo to the Commission. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

B) Road Department - Darl Taylor, an Operator II has completed his six-month orientation with the department. It is recommended that he progress from a grade 10, step A or \$9.12 per hour to a grade 10, step B or \$9.32 per hour retroactive to September 1, 1993.

C) Road Department - The department requests approval to appoint Audry Jones as a temporary laborer beginning September 16, 1993, through December 31, 1993, at a rate of \$5.50 per hour.

D) Attorney's Office - LeAnne Seely has submitted her resignation. She has been called to serve a mission. Her last day of work will be September 24, 1993. The office requests approval to fill that position. THE position is a 3/4 time position. It is proposed to appoint a temporary worker which will allow the office time to better determine their requirements.

E) Library - Cindy Jones, Assistant Librarian at the Ferron Library has submitted her resignation effective September 10, 1993. Ms. Jones was hired July 16, 1993. The department would like to fill the vacancy with Valynn Huffaker, effective September 13, 1993, at a rate of \$6.00 per hour. Ms. Huffaker went through the recruitment process at the same time Ms. Jones did and would have been chosen the successful applicant if Ms.

Jones had not accepted the offer of employment. It is felt that in such a short time, the list of applicants will not have changed significantly and by filling the vacancy with Ms. Huffaker, time and money will be saved.

Motion was made by Commissioner Kent Petersen to approve the personnel items as requested. Motion was seconded Commissioner Dixie Thompson and approved by all members present.

(5)

#### FM RADIO STATIONS

Commission Chairman Mark Justice noted that this is the third meeting in which the FM radio stations have been discussed. He inquired if there was any further comment from the public in attendance. There being none, Commissioner Dixie Thompson presented to the Commission petitions received from Ferron who would like to see an oldies type station. Listed on the petition were 159 signatures requesting KPRQ FM out of Price. It was also noted that the Commission received a letter from KARB radio also of Price dated September 15, 1993, requesting the Commission to add KARB FM to the translator system in the near future.

Whereupon, motion was made by Commissioner Dixie Thompson to support the two Price stations, KARB and KPRQ, adding them to the translators on Horn Mountain, realizing this does not lock in the County should it be determined at some future date another station or arrangements would be more preferable. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

#### SHERIFF BAILIFF CONTRACT

County Attorney, Mark Tanner presented to the Commission for their consideration the Memorandum of Understanding to the Contractual Agreement #921389 between Emery County and the Administrative Office of the Courts. Wherein, Emery County Sheriff's department provides bailiff services to the District Court. This continues the present agreement for an additional year with compensation not to exceed \$4,000.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Memorandum of Understanding as discussed and authorize Commission Chairman Mark Justice to sign the same. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

#### CASTLE COUNTRY TRAVEL COUNCIL MEMBER APPOINTMENT

Commission Chairman Mark Justice noted that Bryant Anderson who had previously served as the Emery County Economic Development Director was a member of the Travel Council. In his meetings with Mr. Anderson, Mr. Anderson feels the new Economic Development Director Rose Ann Fillmore should be appointed to the Travel Council. Therefore, he would resign from that position allowing the Commission to make that appointment. It was Commissioner Justice's recommendation that this appointment be for the balance of Mr. Anderson's term.

Whereupon, motion was made by Commissioner Kent Peterson to accept the resignation of Bryant Anderson on the Castle Country Travel Council and to appoint Rose Ann Fillmore to fill that vacancy for the balance of the term. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### NIGHTTIME (SPOTLIGHT) HUNTING ORDINANCE

Mr. Kevin Peacock addressed the Commission representing himself as a livestock owner as well as a member of the Utah Trappers Association. He discussed the reasons in support of nighttime hunting of coyote, red fox, striped skunk and raccoon by permits. After reviewing his reasons for favorable passage of an ordinance, he asked that the Commission pass such an Ordinance in order to control such predators.

County Attorney, Mark Tanner in responding to the fees received, indicated that the County could retain that portion to pay for the costs of licensing with the balance to go to DWR.

Commissioner Kent Petersen noted that Mr. Peacock had addressed many of the concerns that have been expressed to him. The primary concern was the high powered rifles. Anything that is done should be carefully considered together with the safety aspects. The Commission needs to yet receive a lot of input from land owners, stock owners and home owners. It was suggested that Kevin Peacock, together with Sheriff, Lamar Guymon, possibly Ray Wareham of Ferron, and others be part of a committee to further address the issues and concerns.

Whereupon, motion was made by Commissioner Dixie Thompson to set a public hearing on the proposed spotlight hunting for the November 3, 1993, Commission meeting using the draft ordinance as provided by the County Attorney's office for reference. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

#### EMERY COUNTY RECREATION DISTRICT - GREEN RIVER GOLF COURSE

Commission Chairman Mark Justice, in a report to the public and the Commission, noted that the Recreation District, together with Green River, Grand County and the Travel Council has submitted an application to the Community Impact Board for funding of a golf course in Green River. He is hopeful that the funding approval would possibly be in

December 1993. He further went on that the Recreation District is working with several entities in putting together a joint application for a community center and fair building in Castle Dale, covered arena in Huntington, as well as other projects.

(10)

#### LOCAL PURCHASING

Commission Secretary Leslie Bolinder read aloud a letter prepared for signature by the Commission to County Department Heads and elected officials commending them in their efforts to purchase locally. The letter emphasizes to shop Emery County first.

Commissioner Kent Petersen noted that the Commission strongly supports such an effort. Therefore, all Commissioners signed the letter for distribution.

(11)

#### COLLECTIVE BARGAINING AGREEMENT

Commission Chairman Mark Justice noted at this time the Commission is working on this matter. No action is considered or taken at this time.

(12)

#### RE-INVENT COUNTY GOVERNMENT COMMITTEE

Commission Secretary Leslie Bolinder recommended to the Commission the creation of a Re-invent County Government Committee. Wherein, such a Committee would look at the services offered to the citizens with the recommendation that some services may be more streamlined. She pointed out the present phone system in which we are not able to transfer phone calls. She has been informed by the phone company that systems are available which could much more effectively handle our needs.

Commission Chairman Mark Justice noted that it is not the purpose of the Committee to eliminate jobs or people, but to do a better service with less resources. Also mentioned was the County computer system. He foresaw the Committee being made up of elected officials, department heads, employees, community leaders and other interested citizens. The group would be made up of approximately 10 to 15 people.

Commissioner Dixie Thompson noted that this is a good way to get the public more involved in County Government. When asked for those persons who might be interested in serving, those indicating they would are Auditor, Karen Truman; Clerk, Bruce Funk; Commissioner Kent Petersen; and County Attorney, Mark Tanner.

Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to form a Re-invent County Government Committee as discussed. Motion was approved by all members present.

(13)

## UPDATE ON CLEAN AIR ACT - COUNTY COMPLIANCE

County Attorney, Mark Tanner pointed out that this item came up for review at the September 1, 1993, Commission meeting. He noted that the State of Utah does not have what we know as a Clean Air Act. However, he thinks what was referred to as such was actually Section 76-10-106, Smoking in Public Places. Wherein, a person may not smoke in a building or portion of a building that is occupied by a state agency. This would be the same for County owned facilities. Discussed was how this would apply to the Emery County Nursing Home as well as the inmates at the County Jail facility.

Therefore, it was the consensus of the Commission and direction of the Commission to have Mr. Tanner prepare a memo for distribution clearly outlining the law and the County's compliance with the law.

Personnel Director, Pat Snowball further asked that Mr. Tanner also include with that a policy for inclusion in the Personnel Policy.

(14)

### COMMISSIONERS REPORTS

Commissioner Dixie Thompson:

1. She reported from her meeting last week with the Farm Bureau. Wherein, Commissioners, Cattleman's Association, Wool Growers, and Farm Bureau members attended. She noted that persons needed to get their comment letters in with regards to grazing fees, although the date has closed for those that they could come under her letter which detail that further information would be coming. Therefore, it could be submitted. She has talked to Gerald Olsen of Utah State University who will try to provide more detailed information. She noted that any letters submitted need to be very specific as to impact. It was further commented that we might see an extension of that comment period and other items.

2. She recognized Maleah Day who is the current Miss Emery County and was recently named the third runner up in the Miss Utah State Fair pageant. The Commission expressed congratulations to Miss Day.

3. She indicated she has visited the Utah State Fair and that the Emery County booth was excellent. She expressed appreciation for the efforts of Bonnie Swenson and Sharon Pollaehne.

Commissioner Kent Petersen:

1. Regarding the purple loosestrife weed, he noted it is possibly better not to spray at this time of the year for control of the weed because of the sudden change in the weather with it becoming much colder.

2. He further noted that letters from himself and Commission Chairman Mark Justice have been sent in regards to the grazing fee and that possibly there might be as a result interest in the matter there might be a one-year moratorium.

Commission Chairman Mark Justice:

1. He noted that the Green River Missile Site Environmental Impact Statement is under way. They have met with the Green River citizens and received input. A decision in regards to the facility may come next April or May and hopefully it will be to open up the facility which would be economically beneficial to the residents there.

(15)

#### EXECUTIVE SESSION

Motion was made by Commissioner Kent Petersen, seconded by Commissioner Dixie Thompson to adjourn to Executive Session at 10:24 a.m. to discuss Sheriff's Department grievance. Those present during this time were Commissioners Kent Petersen, Dixie Thompson, Mark Justice; County Attorney, Mark Tanner; Personnel Director, Pat Snowball; Sheriff, Lamar Guymon; Commission Secretary Leslie Bolinder; Auditor, Karen Truman; Clerk, Bruce Funk; Deputy County Attorney, David Blackwell.

(16)

#### RECONVENE REGULAR COMMISSION MEETING

The Commission reconvened the regular Commission Meeting at 10:46 a.m. with all members present.

(17)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 10:47 a.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST

CHAIRMAN

ComMin10-6-93

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS



HELD IN THE EMERY COUNTY COURTHOUSE

October 6, 1993

Those present at the meeting were Commissioners Mark Justice, Kent Petersen 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 6:05 p.m.

The invocation was given by Commission Chairman Mark Justice.

(1)

BID OPENING - METAL BUILDING AT GREEN RIVER

Deputy Clerk, Julie Winn informed the Commission that three bids were received on the Metal Building at Green River. The bids received were: Hansen Construction, Price, in the amount of \$26,800; Kent Stilson Construction, Orangeville, in the amount of \$48,552; and Ernest J. Jensen, Castle Dale, in the amount of \$34,500.

Commission Chairman recognized the apparent low bidder to be Hansen Construction, Price, in the amount of \$26,800 and will turn all bids over to the County Engineer for further consideration.

(2)

BID OPENING - FENCING AT COUNTY LANDFILL

Deputy Clerk, Julie Winn informed the Commission that two bids were received on the fencing at the County Landfill. The bids received were: American Fence, Orem, in the amount of \$52,306 and Mt. States Fence, Salt Lake City, in the amount of \$91,504. The engineers estimate on this project is \$60,000.

Commission Chairman recognized the apparent low bidder to be American Fence, Orem, in the amount of \$52,306 and will turn all bids over to the County Road Department for discussion with the Engineer.

Motion was made by Commissioner Dixie Thompson that upon verification of the County Engineer the contract be awarded to the low bidder. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

COMMISSIONERS MINUTES

Upon the request of Commissioner Dixie Thompson, approval of the September 15, 1993, Commission minutes will be held for further consideration until the next Commission meeting.

(4)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #933460 through and including #933704 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
60	Computer and accessories - Planning & Zoning		Approved
61	Four directional snow plows - Road	12,300.00	Approved
62	Air compressor - Road	550.00	Approved

Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the Warrant/Check Edit List for payment and the requisitions for purchase. Motion was approved by all members present.

(5)

PERSONAL USE OF COUNTY CREDIT CARDS

Auditor, Karen Truman requested direction from the Commission regarding the use of County Credit Cards for personal expenditures by County Employees. After discussion, it was the consensus of the Commission that Auditor, Karen Truman send a memorandum to all County offices directing them to discontinue the use of County Credit Cards for personal expenditures as is outlined in the County Purchase Ordinance, Section 4-F.

(6)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Library - Danielyn Alvarez, Elmo Janitor, hired July 13, 1993, has resigned the position effective October 8, 1993. Interviews for a replacement were held October 5, 1993, and Lisa Adams was selected the successful applicant. Upon approval, she will begin janitorial duties on October 7, 1993, at \$4.25 per hour.

B) Treasurer - Julie Truman has completed her six-month orientation period and Treasurer, JoAnn Behling, has recommended her for a step increase. She will progress from a Grade 4, Step A or \$7.11 per hour to a Grade 4, Step B or \$7.26 per hour effective retroactively to September 10, 1993.

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the hiring of Lisa Adams and the six-month orientation period increase for Julie Truman as presented. Motion was approved by all members present.

C) American With Disabilities - As we continue our efforts to comply with ADA, Mrs. Snowball asked the Commission to permit a statement to be included on each Commission agenda: Please let us know if you need specific accommodations that will assist you to fully participate at this meeting.

Further, she asked the Commission to recommend to each elected official and department head that as new orders are placed for department letterhead, included with the department telephone number and FAX number, is the TDD (Telecommunications Device for the Deaf) number. The TDD is located in the Clerk's Office and the number is 381-5649.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to support the recommendations of Mrs. Snowball regarding including the statement on each Commission agenda as outlined and including the TDD number of office letterhead. Motion was approved by all members present.

(D) Mrs. Snowball indicated she recently received notification from Personnel Systems Services, Mike Swallow, that the results of this year's Wasatch Compensation Group benefits and compensation survey is available.

One of the criticisms of the wage survey accomplished in 1991 is that it is viewed as flawed because more survey participants from "up north" were not included. This particular criticism is not completely correct, but when Mrs. Snowball received notice she indicated it would be very interesting reading. She will maintain a copy of this in the Personnel Office. She invited all employees interested to take a look at this. If anyone wishes to purchase a copy, the cost is \$20. She indicated she would be happy to assist with the purchase.

Commission Chairman Mark Justice indicated to Mrs. Snowball the Commission appreciated her efforts in obtaining this survey.

(7)

JAMIE JORGENSEN - REQUEST FOR FINANCIAL ASSISTANCE

Jamie Jorgensen addressed the Commission and requested financial assistance in order to attend the National Young Leaders Conference to be held in Washington DC in January. She informed the Commission as to how she was selected to attend this conference.

Motion was made by Commissioner Dixie Thompson to support Jamie Jorgensen and donate \$50 to her to help with the expenses of this trip. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

#### IRA HATCH - FOREST SERVICE UPDATE

Ira Hatch, Forest Service Supervisor addressed the Commission and updated them on several areas as follows.

- The status of the controlled burn in Flat and Rilda Canyons which got out of control. He indicated it is under control as of today.
- They are working with the County, DWR, Parks & Recreation and the Utah Highway Patrol during the hunting season.
- There will be changes in the Department of Agriculture. However, the Forest Service will remain an entity with some staffing changes.
- They are working on capital improvements in Joe's Valley including the campground, roads and toilet facilities. He reported on toilet facilities for Potters Pond, Petes Hole and Grassy.
- They are trying to have the new office in Ferron ready to move into in November.
- The Federal Range Reform Proposal has been delayed.
- The Swells water shed project is complete and they are pleased with it.
- 78 acres of noxious weeds have been treated this year.
- They worked with two locals to keep them in business during the timber harvest.
- They have completed nine miles of trail in Blacks and Grassy.
- They have treated 300 miles of sagebrush.

Commissioner Kent Petersen inquired how the Forest Service is coming on the monitoring of the springs with the Emery Water Conservancy District. Mr. Hatch indicated they are currently working with the Emery Water Conservancy District on that.

The Commission thanked Mr. Hatch for coming to the meeting and giving them the update.

(9)

GENE HESS - UTAH POWER AND LIGHT - RESOLUTION 10-6-93A

Gene Hess, from Utah Power and Light, read to the Commission the proposed Resolution 10-6-93A regarding the Emery County Pollution Control Revenue Refunding Bonds, Series 1993. He indicated all the Commissioners and the County Attorney's office have received copies of the Resolution.

Whereupon, motion was made by Commissioner Kent Petersen to approve the Resolution as presented. Commissioner Dixie Thompson seconded the motion including she wished Pacificorp would be a better citizen to Emery County. Commission Chairman Mark Justice indicated they wanted Pacificorp to know Emery County values them and what they do for the County, but sometimes they have to disagree on certain issues.

(10)

MILES MORETTI - DIVISION OF WILDLIFE RESOURCES - UPDATE

Miles Moretti, from the Division of Wildlife Resources, came before the Commission at their request. Mr. Moretti updated the Commission on the beaver problem; the planting of fish; they donated a six-point bull elk to the Museum of the San Rafael; they are in a budget crisis; fishing is at an all-time high; and 99% of all funds to the Division of Wildlife Resources comes from the sportsmen.

(11)

STEVEN KILLPACK - MIKE CARSEN - JEFF MEMMOTT - ELECTRIC LAKE  
LAND DEVELOPMENT

Mr. Steven Killpack, legal counsel for Mike Carsen and Jeff Memmott addressed the Commission. He informed the Commission his purpose in addressing them tonight was informational only. He advised the Commission on his clients plans for the development of 700 acres near Electric Lake. He discussed what has been done up to this point and what still needs to be done. He asked that the Commission consider one of the following two recommendations regarding this land: The first proposal would be to consider changing the CE-1 zone which does not allow for building of any type and which the property is currently zoned under to allowing building on 80 acre parcels. The second proposal would be to change the zone to CE-2 which has a provision for planned seasonal development. Mr. Killpack indicated they hope the zone of CE-1 would be changed to allow for building.

Upon the request of Commission Chairman Mark Justice, Planning and Zoning Technician Bryant Anderson advised the Commission on the Planning and Zoning Commission's procedure and what has been done up to this point in time. He indicated

there are still several things that need to be done before the Planning and Zoning Commission has a proposal for the County Commission to consider.

Mike Carsen and Jeff Memmott each addressed the Commission and requested that heavier consideration be given to changing the CE-1 zone.

Commissioner Dixie Thompson indicated she is in favor of this development, but it has to be done in a way that is workable and good for all.

Commission Chairman Mark Justice indicated it would be inappropriate to make a motion at this time. However, he indicated he was also in favor of good development and would like to see this be successful.

Commissioner Kent Petersen indicated he was somewhat in favor of this development and cannot see anything in this that is not good.

No action was taken by the Commission.

(12)

#### RESOLUTION 10-6-93B - REGARDING CLASS B ROAD MONEY

Commissioner Kent Petersen presented Resolution 10-6-93B regarding the map prepared by the Utah Department of Transportation and exhibited to the Emery County Commissioners showing Class B System Roads, as dedicated public roads for the allocation of funds to be used thereon is declared to be correct and acceptable to the Commissioners.

Road Superintendent Rex Funk indicated this is a physical representation of the Class B network.

Whereupon, motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to approve Resolution 10-6-93B as presented. Motion was approved by all members present.

(13)

#### RE-INVENT COUNTY GOVERNMENT COMMITTEE

Commission Chairman Mark Justice indicated they have had a large number of citizens and others interested in participating in this Committee. However, at this time they are not prepared to make those appointments. Therefore, this item was tabled.

(14)

#### DISCUSSION OF BLM ROAD CLOSURES

Commissioner Dixie Thompson discussed some concerns received regarding the road closures by the BLM. She suggested a letter be sent to the BLM regarding RS 2477 and publicize through the Progress, that the BLM has no right to close any road. She indicated the County will eventually have to take action in regards to this matter.

Commissioner Kent Petersen Commission Chairman Mark Justice each indicated they felt this was a good idea. However, they need to identify which roads.

No action was taken by the Commission.

(15)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She indicated on September 27 & 28 she attended a land grant seminar at Utah State University. The agenda was impressive. Utah State is doing a survey regarding the impact of wilderness on impacted areas of the state. She indicated USU is moving ahead with an impact statement. The rural areas are greatly impacted because of the use of natural resources. She feels the County needs to do monitoring of rangelands.

2. She recently attended a risk management seminar by the Utah Association of Counties. She gave copies of what she received to Pat Snowball. She indicated she feels the County falls short in this area and we need to eliminate our liability.

Commissioner Kent Petersen:

1. He indicated the County has the opportunity to become a part of the solution to wilderness. Through Project 2000, the County has been invited to participate and work with the environmentalists to come up with a plan to resolve the issues. If the County becomes involved in this, we will be expected to come up with a plan. Therefore, we need to decide if we want to become involved in this.

Commission Chairman Mark Justice indicated he felt this would be exciting to be a part of. He feels like the County cannot stand back and this could be a good way to get involved and to get the land back.

After further discussion, Commissioners Kent Petersen and Mark Justice indicated they were in favor of pursuing this. Commissioner Dixie Thompson indicated she had reservation in that the environmentalists cannot be trusted.

Whereupon, it was the consensus of the Commission to write a letter indicating Emery County would like to be a part of this.

Commission Chairman Mark Justice:

1. He indicated at the last Commission meeting they agreed to do a project for the Cattleman's Association and inquired of Road Superintendent Rex Funk the progress.

Mr. Funk described the project and indicated this would be a public service.

(16)

ROSEANN FILLMORE - ECONOMIC DEVELOPMENT UPDATE

Economic Development Director, Roseann Fillmore addressed the Commission regarding a small metal shed the Operating Engineers Local Union want to donate to the County. The County in turn would then donate it to Emery Recycling. After further discussion, it was the consensus that the County would lease the building to Emery Recycling at a minimal fee. They instructed the County Auditor and County Attorney to work out the legality of this transaction.

Mrs. Fillmore updated the Commission on the proposed Industrial Park to be built on the North end of Huntington.

(17)

MEETING ADJOURNMENT

Motion was made by Commissioner Dixie Thompson to adjourn the meeting at 8:25 p.m. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST

CHAIRMAN

ComMin10-20-93

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

October 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 9:00 a.m.

The invocation was given by Clerk, Bruce Funk.



(1)

COMMISSIONERS MINUTES

The minutes of the September 15, 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.

The minutes of the October 6, 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 #933705 through and including #933935 for payment.

The following requisition was presented for Commission consideration:

Req. #	Item and Description	Amount	Action
63	1994 Ranger 4X4 supercab - Road	16,332.00	Approved

Motion was made by Commissioner Kent Petersen to approve the Warrant/Check Edit for payment and the requisition for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Mrs. Truman presented to the Commission the UAC insurance reimbursement on the Emery County fire trucks in the amount of \$10,647. She inquired of the Commission if these funds should be deposited in the Emery County General Fund from which they originally came out of.

Commissioner Kent Petersen recommended that it appears the Commission will have to revisit the budget shortly. Therefore, he recommended that these monies be placed in the general fund which allow a more flexible use.

Whereupon, motion was made by Commissioner Kent Petersen to acknowledge receipt of the UAC insurance refund on the fire trucks in the amount of \$10,647 and authorize the Emery County Auditor to deposit those in the Emery County general fund for future disbursement. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

PERSONNEL ITEM

Personnel Director, Pat Snowball presented the following for Commission consideration:

A) Attorney's Office - County Attorney, Mark Tanner has appointed Nancy Orgill to perform clerical duties in his office on a temporary basis, 3/4 time. This appointment is effective October 12, 1993, through December 31, 1993, at a rate of \$6.00 per hour.

Motion was made by Commissioner Dixie Thompson to approve the personnel action as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

B) Defensive Driving Course - She thanked the Commission, Elected Officials and Department Heads in their efforts in seeing that all County employees participate in the Defensive Driving Course. She noted the County has approximately 200 persons who could benefit from the course and in that 176 participated. She indicated it was very successful.

(4)

COLLECTION BARGAINING AGREEMENT WITH AFSCME

Commission Chairman Mark Justice noted that approximately 2-1/2 years ago the Commission had been approached regarding entering into a collective bargaining agreement with AFSCME. The Commission has again been petitioned to participate in that collective bargaining agreement. Whereas, Commission Chairman Mark Justice; Sheriff, Lamar Guymon; Tom Hansen and Steve Stream visited Salt Lake County and Carbon County which have entered into agreements with the union. It was his recommendation that the County enter into collective agreement with AFSCME for one year. He noted that this action by the Commission has been freely taken and it will meet the needs of management and employees as well as provide a means of communication. The Commission does have a concern for wages and the level of benefits. Commissioner Justice complimented the Sheriff for his involvement.

Whereupon, motion was made by Commissioner Dixie Thompson to approve entering into agreement with AFSCME on behalf of the Sheriff's department and upon review of the final agreement. Motion was seconded by Commissioner Kent Petersen and approved by all members present. The effective date will be January 1, 1994, through December 31, 1994.

Sheriff, Lamar Guymon indicated he felt comfortable in the agreement for a one-year period.

Carol Ware of the Road Department inquired about other employees who may be interested in joining such a union. The Commission indicated that they were willing to consider any concerns of the employees.

Steve Stream expressed appreciation to the Commission for their consideration and looked forward to seeing it set up and to see how it does function. He felt it would work well for the County.

(5)

RED RIBBON WEEK OCTOBER 23-30 - RESOLUTION 10-20-93A

Commission Secretary Leslie Bolinder read aloud Resolution 10-20-93A. Wherein, Emery County supports the Red Ribbon week from October 23 through 30 and the month of October 1993 as parent and youth alcohol and drug education month. Hereby encouraging all citizens in Emery County to participate in this effort.

Whereupon, motion was made by Commissioner Kent Petersen to adopt Resolution 10-20-93A supporting Red Ribbon Week as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Mrs. Bolinder under the direction of the Commission had a drawing for three drug-free T-Shirts in conjunction with the Red Ribbon Week. The County employee names drawn were Ray Jeffs, Kyle Ekker and JoAnn Taylor.

(6)

FEDERAL MANDATE RESOLUTION 10-20-93B

Commissioner Kent Petersen indicated the National Association of Counties, together with the State Association of Counties, have noted the effect of federal mandated programs which ultimately require the Counties and States to provide services, but do not provide necessary funds. Therefore, he read aloud Resolution 10-20-93B recommending that it be passed by the Commission.

Planning and Zoning Technician, Bryant Anderson also noted to the Commission that they should consider requiring the same from the State of Utah. Whereas, he has had experiences in State mandated programs to be performed by the Counties but without funds.

Whereupon, motion was made by Commissioner Kent Petersen to adopt Resolution 10-20-93B as discussed. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

RE-INVENT COUNTY GOVERNMENT RESOLUTION 10-20-93C

Commission Chairman Mark Justice read aloud the content of Resolution 10-20-93C. Wherein, it is a Resolution to create and establish a committee to re-invent County government. It was the desire of the Board of County Commissioners to continue efforts of the past to provide the best possible government services for the least cost. Therefore, the purpose of the Resolution would be to create a committee made up of 15 members from various geographical areas of the County excluding employees and elected officials of the County. He recommended that the committee exist for up to six months and that they meet on an as-needed basis.

Whereupon, motion was made by Commissioner Kent Petersen to adopt Resolution 10-20-93C as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### APPROVAL OF CARRIAGE OF CHANNEL 14 KJZZ-TV

Read aloud was the letter of October 6, 1993, from KJZZ Channel 14 out of Salt Lake. Wherein, they indicated they were looking forward to carriage of their signal on the County transmitters. They confirmed their understanding that they would be carried on Emery County Channel 50 in exchange they will provide to the County the antenna and will pay for actual costs of the conversion up to \$4,500. In addition, KJZZ has agreed to vacate channel 26 in order to free that channel for Emery County.

Whereupon, motion was made by Commissioner Kent Petersen to recognize and accept the letter of understanding from KJZZ and authorize the County Attorney's office to prepare and send a letter of acceptance to them. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### EMERY COUNTY AGING AND NUTRITION ADVISORY COUNCIL BOARD APPOINTMENTS

Commission Secretary, Leslie Bolinder advised the Commission that the Emery County Aging and Nutrition Advisory Council has two vacancies. It was the Council's recommendation that Eileen Lofthouse and Robert Litster be appointed to fill those vacancies. Whereupon, motion was made by Commissioner Dixie Thompson to accept the recommendations of Eileen Lofthouse and Robert Litster to be appointed to the County Aging and Nutrition Advisory Council Board as Aging & presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

#### DG&T - BOND REDEMPTION - RESOLUTION 10-20-93D

County Attorney, Mark Tanner presented to the Commission for their consideration Resolution 10-20-93D. Wherein, said Resolution authorizes and provides for the redemption of all Deseret Generation & Transmission pollution control revenue bonds. Mr. Tanner noted that he has reviewed the documentation and the Resolution which authorizes the redemption and allows DG&T to proceed with necessary notification. He further noted that there are no issuance fees. Therefore, he recommended Commission adoption.

Whereupon, motion was made by Commissioner Kent Petersen to adopt Resolution 10-20-93D authorizing the redemption of the bonds as requested by Deseret Generation and Transmission. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### MERIT COMMITTEE RECOMMENDATIONS

Commissioner Kent Petersen noted that the County Merit Committee has been meeting. They have drafted the following recommendations for Commission consideration and inclusion in the personnel policy.

#### REHIRING

If someone leaves their employment and is later rehired, they will be rehired at the beginning grade and step of the position to be filled plus a one (1) year hold on any promotional activity. Prior years of service do not count as a right of seniority, only for prior consideration of experience for promotional purposes.

#### GUIDELINES AND MOVEMENT WITHIN THE PROPOSED PAY PLAN

Entry Level I: Six (6) month orientation. On the job training only. Additional training after six (6) months and eligible to draw on accrued sick leave and vacation and eligible for off site certification and/or training. If terminated within the six (6) month orientation period, there will not be a vested right in sick and/or vacation leave. First year anniversary and upon completion of required certifications, employee will receive automatic promotion to Level II grade and receive the equivalent of at least a two (2) step increase on the previous grade.

Level II: Employee will receive an automatic yearly anniversary/hire date step increase. Upon five (5) year anniversary/hire date and upon completion of necessary certifications, employee will automatically be promoted to Level III grade and receive the equivalent of at least a two (2) step increase on the previous grade.

Level III: Step increase every two (2) years. Movement beyond Level III will be through promotional process only. Upon each 10 year anniversary/hire date the employee will receive an additional two hours of vacation per month.

Promotions: Employees receiving promotions will move to the appropriate grade of the position. Step of the new grade will be equivalent to at least a two (2) step increase on the previous grade.

STANDARD POSITIONS WITHIN COUNTY DEPARTMENTS

CLERICAL			SHERIFF		
ROAD					
Step	Grade Step		Grade Step	Grade	
Deputy I	4	A	Deputy I	10	A
Deputy II	6		Deputy II	12	
Deputy III	9		Deputy III	13	
					Operator I 7 A
					Operator II 10
					Operator III 13

It was recommended by the Commission that Personnel Director, Pat Snowball put these in form for inclusion in the Personnel Policy and that said recommendations go out to employees as all elected officials and department heads for review and that the elected officials and department head then meet and review the recommendations together with the employee committee, making final recommendations to the Commission.

(12)

RELEASE OF ESCROW ACCOUNT TO MOUNTAIN FUEL SUPPLY COMPANY

Commission Chairman Mark Justice noted that the County entered into agreements to help finance construction of the natural gas lines to Cleveland and Elmo. They are now done and complete. Therefore, Mt. Fuel has requested termination of the escrow agreement with the County.

Treasurer, JoAnn Behling noted that being considered is leaving five dollars in that account in order to draw any interest due to the party. Therefore, it was the request of the Commission and motion of Commissioner Dixie Thompson to approve release of the escrow account to Mt. Fuel and that Treasurer, JoAnn Behling work directly with them to this end. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

ECONOMIC DEVELOPMENT REVOLVING LOAN FUND DONATION REQUEST

Commission Chairman Mark Justice noted a request received from Economic Development for funds for their revolving loan fund. He asked that this matter be tabled, allowing the Attorney's Office to give the Commission legal opinion on this matter.

(14)

#### COAL ROAD MAINTENANCE AGREEMENT - TERMINATION

Commissioner Kent Petersen reviewed a letter received from Diane H. Banks of Fabian and Clendenin, Attorneys for White Oak Mining and Construction Company who has acquired Kanawha and Hocking Coal and Coke Company and Valley Camp of Utah, Inc. These were recently sold to Belina Mine and their related assets were sold to White Oak. She informed the Commission that the road which was subject to the original agreement with the County has now become a State road, SR-264, and is maintained by the State of Utah. Therefore, she requested termination of the agreement by Emery County wherein they were required to maintain that portion of the road.

Road Superintendent Rex Funk confirmed that the road is a State road. Therefore, motion was made by Commissioner Kent Petersen to approve the termination of road maintenance agreement entered into by Emery County and Valley Camp of Utah in January of 1980, covering approximately 7.5 miles. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### GENWAL - MOHRLAND LOAD OUT FACILITY

Commissioner Kent Petersen noted Genwal, together with the Emery County Special Service District, has requested that the County be included in a cooperative basis on the new proposed Genwal Coal load-out facility. He further noted that the Commission has reviewed the site. It was his recommendation that the Commission send a letter in which the Commission endorse and support the plan and encourage the construction of the load-out facility and would cooperate in getting the necessary road right of ways. (Commissioner Dixie Thompson noted she is working on getting the land privatized which would assist the company in its efforts. All indicated this would be a very positive project for Emery County.)

Whereupon, motion was made by Commissioner Kent Petersen to sign a letter of support for the project. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### ENDORSEMENT AND PARTICIPATION IN PROJECT 2000

Commissioner Kent Petersen reviewed the Project 2000 organization, noting that they have offered to try and resolve the wilderness issues. They are looking for a pilot project. The San Rafael region of Emery County has been suggested. It was his recommendation to the Commission that positive consideration be given. Therefore, he recommended that a letter be prepared by the Commission in support of the project, noting that the County

welcomes the input from the coalition, but would emphasize that the initial planning would be an Emery County effort. The County will listen to suggestions and welcome discussion. Since it is an Emery County plan, all decisions will be made by the Emery County Planning Committee and the citizens of Emery County. Then go on for approval by the Emery County Commission. He further noted that the County is also involved in the Utah Association of Counties comprehensive planning effort.

Commissioner Dixie Thompson expressed reservations to the Project 2000. She noted that full citizen involvement is essential.

Whereupon, motion was made by Commissioner Kent Petersen to approve the signing of the letter by the Commission encouraging participation in the project. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

#### COMMISSION REPORTS

Commission Chairman Mark Justice:

1. He reported on the County auction conducted by the Sheriff's office. This resulted in receipts for items sold of approximately \$40,000 which goes to the County.

Commissioner Dixie Thompson:

1. She noted she has met with the Cattleman's Association and discussed at great length the grazing fee issue. She noted the need to respond to that threat and other threats by the Federal Government that not only effect grazing but mining. Also putting in danger our water rights.

2. She requested that the Commission give future consideration of a financial contribution to the organization to fight the issue of increased grazing fees.

(18)

#### LANDFILL COMPLIANCE - DEADLINE EXTENSION

Commissioner Kent Petersen reviewed a letter received in regards to solid and hazardous waste landfills. He noted from the letter it appears that the deadline for compliance in the County landfill has now been extended to next October. It was further agreed that the letter would be reviewed with the full Commission as well as Road Superintendent Rex Funk.

He indicated he has received a request from Carbon County for Emery County to support Helper City's request to the CIB for funding for hazard response equipment and building.



Planning and Zoning Technician, Bryant Anderson asked that the Commission consider a future reciprocal agreement.

Sheriff, Lamar Guymon spoke on behalf of continued support of the State agency and that possible consideration be given to a local response unit.

It was the consensus of the Commission that they could enter support, but would not commit the County any further.

(19)

#### GORDON HILLIER - UPDATE ON EMERY COUNTY HEALTH INSURANCE PLAN

Mr. Gordon Hillier gave the Commission an update on the health insurance program in which the County participates. He noted the expenditures for medical assistance and other programs under the health insurance provided to County employees. He noted that the County has received only one large claim. After review, it was the recommendation of the Commission that Mr. Hillier provide to the Commission an up-to-date cost of benefits for all programs for the past year. It was noted by Mr. Hillier that the County is in good shape in their health program. He provided reports to the Commission for their review.

Mr. Hillier discussed the employees assistance program. Wherein, services would cost approximately \$3.10 per employee per month. He recommended Lomquist-Hall a Consulting Company, Inc., who is a Utah company should the Commission at some later time decide to provide that service for the employees.

(20)

#### SHERIFF'S DEPARTMENT CAR PURCHASE

Sheriff, Lamar Guymon inquired of the Commission if he found one additional car at the same price range as the previous ones approved that he might proceed with purchase of that vehicle. It was the consensus of the Commission that he could proceed, although no formal action was taken.

(21)

#### EXECUTIVE SESSION

Motion was made by Commissioner Kent Petersen to adjourn to Executive Session at 10:54 a.m. to discuss pending litigation. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Those present during Executive Session were: Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, Mark Tanner; Assessor, James Fauver; Auditor, Karen Truman; and Clerk, Bruce Funk.

(22)

RECONVENE AND ADJOURN REGULAR COMMISSION MEETING

Motion was made by Commissioner Kent Petersen to reconvene the regular Commission meeting at 11:14 a.m. and to adjourn the regular Commission meeting at that same time. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin11-3-93

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

November 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 Commission Chairman Mark Justice.

(1)

COMMISSIONERS MINUTES

The minutes of the October 20, 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 #933936 through and including #934182 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
64	Okidata 393 printer - Auditor	995.00	Approved
65	One full-size pickup - Mosquito	13,000.00	Approved
66	18 acres of land for Industrial Park in Huntington - Economic Development	54,000.00	Approved
68	Computer - Green River Justice Court	2,200.00	Approved
69	Two Hon lateral files - Green River Justice Court	1,140.00	Approved
70	Cat dozer - Road	95,000.00	Approved
71	1990 Halton loader	175,000.00	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.

Auditor, Karen Truman presented a claim to the Commission from the Emery County School District. She noted the School District has submitted to the County the remaining \$10,300 as their participation in the public health previously withheld from the County. She indicated the School District feels that the County never fulfilled their commitment to give \$15,000 towards ballfield improvements at the high school. Therefore, the School District in returning these funds are requesting the balance of the previously approved ballfield funds in the amount of \$10,300.

Commissioner Kent Petersen noted that the County Road Department had expended between \$11,000 and \$13,000 in equipment, man hours and materials in addition to \$4,700 in fencing and other improvements on the project. Therefore, he felt there was no further obligation by the County. The original request and work undertaken was done in 1991. Any further requests should have been in that budget year. The County has not received additional requests until the School District's request of June 15, 1993.

Commissioner Dixie Thompson noted in her discussions that the School District was not happy and felt that the County commitment was for funds. She suggested that the County is responsible.

There being no further discussions, motion was made by Commissioner Kent Petersen that the County disapprove the request for balance of funds in the amount of \$10,300, noting that the County feels like they have fulfilled their obligation and commitment. There being no second to the motion, Commission Chairman Mark Justice stepped down from the chair to second the motion. Commission Chairman Mark Justice and Commissioner Kent Petersen voted in favor of the motion. Commissioner Dixie Thompson voted in opposition to the motion. Whereupon, motion passed.

(3)

#### TENTATIVE 1994 EMERY COUNTY GENERAL REVENUE AND EXPENDITURE BUDGET

Auditor, Karen Truman presented the tentative 1994 Emery County General Revenue and Expenditure Budget in the amount of \$9,286,804 with the Class B road fund revenues and expenditures in the amount of \$1,301,725; RSVP in the amount of \$63,383; Transient Room Tax in the amount of \$10,000; Economic Development in the amount of \$208,748; Library in the amount of \$562,242; and Capital Projects in the amount of \$700,000.

She further noted that the budget reflects the request of the various departments and that to fund such a budget would require additional taxes as well as use of monies presently in the fund balance.

Whereupon, motion was made by Commissioner Kent Petersen to accept the tentative 1994 budget as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### VETERANS - BLIND - INDIGENT - PROPERTY TAX ABATEMENTS AND EXEMPTIONS

Auditor, Karen Truman presented to the Commission for their consideration approval for property tax abatements and exemptions for those persons who have applied for veterans, blind and indigent property tax abatements.

Whereupon, motion was made by Commissioner Dixie Thompson to accept and approve the list as presented for those requesting property tax abatement and exemptions under the veterans, blind and indigent program. Motion was seconded by Commissioner Kent Petersen and approved by all members present. (The names of those receiving veterans, blind or indigent property tax abatements are on file in the Auditor's office.)

(5)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Road Department - Has filled the previously approved temporary position with Erwin Osburn, effective October 26, 1993, at a rate of \$8.04 per hour which temporary assignment will terminate December 31, 1993.

Whereupon, motion made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson and approved by all members present.

B) Bryant Anderson - He currently has 104 hours of vacation he has not used. He has requested to carry over into 1994 more than 40 hours. He will have between approximately 64 and 80 hours in excess of his 40 which, if approved for carry-over by the Commission, he would have to use within the first quarter of 1994.

It was the consensus of the Commission to encourage Mr. Anderson to use up the excess hours prior to January 1, 1994, noting that after the first of the year he would very possibly be involved in the comprehensive planning for Emery County. Mr. Anderson concurred in that he would do everything possible to use up those excess hours. Therefore, no action was taken by the Commission.

C) TDD - Currently a Telecommunication Device for the Deaf (TDD) is located in the Clerk's office. One of the towns in the County has asked about the possibility of borrowing the machine if they have a meeting at which they have a request to accommodate a disable person(s). The machine is expensive and may not see a great deal of use. Because of this, it would be helpful if the County could assist by lending the machine.

The Clerk requested that prior to the request for use of the machine, that three working days notice be given. Personnel Director, Pat Snowball indicated she would be responsible for picking up the machine and returning it to the County.

D) Attorney's Office - Mrs. Snowball presented for Commission consideration and approval, Employment Contracts for David Blackwell and Teresa Manzanares. The previous employment contracts made no mention of the individuals being eligible for a cost of living adjustment (COLA). In order for the Auditor's office to include the COLA in next year's budget request, such direction needs to be included in the contract.

In regards to Teresa Manzanares's contract with the County, the new agreement should indicate a 60-day notice rather than the original 30 day notice. Also, any cost of living increase be considered by the Commission at budget time, but is not automatic.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the agreement with the recommended changes as it relates to Teresa Manzanares. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

In regards to David Blackwell's contract with the County, the new agreement should indicate a six month termination notice. The Commission also pointed out the need to

include in there no private practice in the courthouse or use of County personnel. Also, that annual cost of living adjustments will be considered by the Commission, but not automatic.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the agreement with David Blackwell as discussed. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

E) Amended Personnel Policy - She presented a Resolution for Commission consideration and discussion. The amendments include the following: Family and Medical Leave; Amended Maternity Leave based on FML; Amended Leaves of Absence based on FML; Change the numbering system; Amend references to Personnel Supervision to Personnel Director; add sections on employee ethics and smoking; amend disciplinary procedures for clarification of the process; amend hiring for new and vacant positions; change wording from probationary to orientation; add direction on allowing use of advance vacation time.

No action was taken by the Commission in order to allow department heads and elected officials additional time for review and to make recommendations.

(6)

#### ROAD MAINTENANCE AGREEMENT WITH CARBON COUNTY

Commissioner Kent Petersen acknowledged receipt of the Road Agreement with Carbon County. Wherein, Carbon and Emery County both have remote sections of road which would be more easily maintained by the other County. Therefore, the agreement is a reciprocal agreement wherein Emery County would maintain certain sections of road of Carbon County and Carbon County would reciprocate.

(7)

#### PROJECTS SUBMITTED TO THE COMMUNITY IMPACT BOARD

Commissioner Dixie Thompson reviewed projects submitted to the CIB for funding. She further noted that the Office of Budget and Planning has requested that Emery County prioritize their projects. Amongst those projects are the Comprehensive Planning project; project by the Castle Valley Special Service District; and the Recreation District on a Golf Course in Green River. She noted that there has not been sufficient time for a public meeting to determine if any one project has or should have priority over the others.

Darrell Leamaster, Administrator of the Castle Valley Special Service District, noted that all projects are critical and that all three should have a priority of number 1. They are from three different entities.

It was the consensus of the Commission and Mr. Leamaster that they pursue all of the projects on a number 1 priority. It was noted that Emery County only receives back 37% of the funds submitted through County mineral lease programs to the CIB.

Commission Chairman Mark Justice noted that Emery County has had too few applications in the past.

(8)

#### PROJECT 2000

Commissioner Kent Petersen reviewed the purpose of the Project 2000, it having been previously discussed in the Commission meeting of October 20, 1993. He again noted that this is a group organized to try and resolve certain problems, recommending they be considered to resolve the wilderness issue in Emery County. It appears to be the best for all sides in bringing them together and to resolve the issue. He discussed the two-phase program wherein they would meet to develop and adopt the comprehensive plan which would provide for local input after the plan was developed and they would bring in other interested parties and talk about wilderness. This would include the environmentalists as well as the national delegates. It gives the County an opportunity to be proactive and it appears to be beneficial to Emery County in resolving the wilderness issue.

(9)

#### KENT WILSON - FUNDING REQUEST FOR REVOLVING LOAN FUND

Kent Wilson, Economic Development Chairman, reviewed with the Commission Satellite Image Systems who have contacted him and would like to locate within the County. He noted that originally the Revolving Loan Fund committed \$25,000. Since that time the County donated \$10,000. That money, rather than sitting idle, waiting for a firm commitment from SIS, has been loaned out. Therefore, his request of the Commission would be for a donation of \$25,000 for the Revolving Loan Fund. He noted that the Company would begin by hiring four employees, with a greater potential for more employees in the future. He reviewed the funding received by the Economic Development revolving loan fund from CDBG grants and FHA.

County Attorney, Mark Tanner reviewed with the Commission the legality of any contribution. He noted that a contribution to the revolving loan fund could serve the public interest.

Auditor, Karen Truman questioned the use of public funds for the development of a private business. Commission Chairman Mark Justice spoke in favor of such a contribution to the Revolving Loan Fund in that it has a positive effect to the County both in employment as well as the economic development.

Mr. Tanner noted that the question has the same argument as Utah State used in putting together their industrial development program. Wherein, public funds were used in attracting McDonnell-Douglas to the State of Utah.

Whereupon, motion was made by Commissioner Dixie Thompson that upon favorable legal opinion and availability of funds, that Emery County donate \$25,000 to the Emery County Economic Development revolving loan fund and that those funds be put into escrow for Satellite Image Systems. After further discussion, Commissioner Thompson withdrew her motion.

Whereupon, motion was made by Commissioner Kent Petersen to grant \$25,000 pending legal approval of the County Attorney and Attorney General's offices on the use of the monies of which a memorandum of understanding for the use of those monies between Economic Development Council and Emery County, outlining the purpose. Noting that any such memorandum is not legally binding. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

#### ECONOMIC DEVELOPMENT BUSINESS

A) Purchase of Industrial Park Properties - Economic Development Director, Roseann Fillmore requested approval of the Commission for an Interlocal agreement between Huntington City and Emery County to purchase property for the Industrial Park. This to be located at north end of Huntington, south of Jake's Place and west of Genco. Emery County would be required to provide cash in the amount of \$54,000. Huntington City would develop the site in the same amount, although Huntington's contribution would be in kind as well as some cash. These funds would be taken from the Emery County Capital Projects fund. It was noted that one to two acres have been identified as possible wetlands.

Commission Chairman Mark Justice noted that the agreement should include the language that the project does serve a public purpose.

Therefore, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Kent Petersen to approve the Interlocal Agreement as discussed. Motion was approved by all members present.

B) Recruitment Brochure - Roseann Fillmore discussed with the Commission that Emery County and Carbon County, together with the AOG will develop a brochure to recruit business and industry to Emery County. This brochure will be prepared for the Anaheim, California, show. She noted that Carbon County has contributed \$1,500 towards a booth at the show. The AOG contributed \$1,500, noting they have much of the booth equipment.



Whereupon, motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to support the development of the recruiting brochure and support the concept. Motion was approved by all members present.

C) Metal Building - County Attorney, Mark Tanner noted that the County had received a metal building as discussed in a previous Commission meeting. The Commission had approved disposal of the building. His concern was that disposal of such a building needs to show that the County is getting value and that public use can be a consideration of value received. He further noted that disposal of such a building meet with the procurement and disposal ordinance of the county. Therefore, would require receipt of bids after proper notice.

After further discussion, motion was made by Commissioner Kent Petersen to authorize the disposal of the metal building and authorize the preparation of the disposition of fixed asset form to be filed with the Auditor's office. This building to be donated to Mr. Ron Barney. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### DISPOSAL OF TEN ACRE PARCEL OF LAND ADJACENT TO COUNTY LANDFILL

The Commission noted a request of Ron Barney for a ten acre parcel of land adjacent to the County landfill. County Attorney, Mark Tanner pointed out the need to advertise and to follow the procurement procedures for disposal of said property. Therefore, after further discussion, consideration was given to a lease and was agreed upon by all parties. Whereupon, Commissioner Kent Petersen made a motion to authorize Emery County Attorney, Mark Tanner to prepare the necessary lease agreement outlining the terms and conditions. This is to be brought back to the Commission for final approval. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### PRESERVATION PROJECT AT SAN RAFAEL SWINGING BRIDGE

Mark H. Williams presented to the Commission a check in the amount of \$152.16 as funds collected as part of an Eagle project to paint the swinging bridge located on the San Rafael river. He pointed out to the Commission that the bridge is deteriorating and outlined what needed to be done. He further noted he has met with the BLM who is supporting the efforts. However, they would like more detail. His request of the Commission was for the \$10,000 originally budgeted this year for those improvements.

Whereupon, motion was made by Commissioner Dixie Thompson to support the preservation project on the San Rafael Swinging Bridge and donate to the Historical Society \$10,000 for that effort and should additional funds be required for repair of some of the wood structure, Mr. Williams come back to the Commission with his request next

year and that the check as part of the Eagle project in the amount of \$152.16 also be donated to the Historical Society. It was further noted that these funds are to be taken out of the Flood Control budget. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

#### JUSTICE COURT BOUNDARY CHANGES - RESOLUTION 11-3-93A

County Attorney, Mark Tanner noted that in an effort to keep the case load the same for the two Justice Courts in Emery County, there is a need to change the boundary from milepost 129 to 120 on I-70. It was noted that Judge Burns was present at this time. Said Resolution is endorsed by both Justice Court Judges and Sheriff Guymon. Motion was made by Commissioner Kent Petersen to adopt Resolution 11-3-93A as discussed. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

#### DISCUSSION OF COLLECTION OF NATURAL GAS CONNECTION FEES FROM COUNTY RESIDENTS

Commissioner Dixie Thompson noted that with the installation of natural gas in Cleveland and Elmo a number of County residents were serviced and have not paid the connection fee of \$100. However, those living outside the municipal boundaries have been reluctant to send those funds to the cities. Therefore, motion was made by Commissioner Dixie Thompson that the County Attorney write a letter from the Commission allowing the people to pay the \$100 connection fee to the Emery County Treasurer. Upon receipt the County will disburse the receipted funds to the proper authority. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

#### PIPELINE SOLUTIONS INCORPORATION REQUEST FOR REIMBURSEMENT FOR GAS LINE SERVICES

Commissioner Dixie Thompson reviewed a letter received from Pipeline Solution, Inc., to Elmo, Cleveland and Emery County. Wherein, they have requested \$12,230 for services they provided in getting natural gas service to Cleveland and Elmo. It was noted that Mt. Fuel would possibly not have installed the lines had it not been for their willingness to proceed on the project.

After further discussion, it was the consensus of the Commission and motion of Commissioner Kent Petersen to authorize the County Attorney to respond by letter from the Commission outlining the County's position of assuming no obligation. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

HUNTINGTON CANYON ZONING CHANGES

The Commission noted that there was no one present to discuss recommended zoning changes in Huntington Canyon. Therefore this item was tabled.

(17)

EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT REQUEST FOR COUNTY ASSISTANCE FOR COMMUNITY PROJECTS

The Commission noted that no one was prepared at this time to discuss this matter. Therefore, this item was tabled.

(18)

APPOINTMENT OF THE RE-INVENT COUNTY GOVERNMENT COMMITTEE

Commissioner Kent Petersen read the following names for consideration on the Re-Invent County Government Committee: Gene Hess, Clyde Conover, Sid Harvey, Bart Cox, Colleen Everidge, Willard Tharp, Steve Thornton, Owen Price, Tracy Aiken, Max Ralphs, David Allred, Allen Jorgensen, Wayne Gremmel, Dan Hunter and Joyce Frost.

Commission Chairman Mark Justice noted that it has been the intent of the Commission that no elected officials, department heads or County employees serve on that Committee and this include those who contract or provide services to the County. Therefore, Allen Jorgensen was stricken from the list and Clyde Thompson inserted. It was further noted that Clyde Conover has been asked to serve as the Committee Chairman.

Whereupon, motion was made by Commissioner Kent Petersen and seconded by Commissioner Dixie Thompson to approve the names as read on that Committee.

(19)

DISCUSSION OF ENDANGERED SPECIES

Commissioner Dixie Thompson noted that she has received a letter from Fish and Wildlife Services noting the addition of an additional endangered species within the County. It is known as the Winkler Cactus. It is without designated habitat and is found on the south end of Emery and Wayne Counties. Fish and Wildlife services has asked for comments. She invited all interested persons to respond.

After further discussion, it was the consensus of the Commission and motion of Commissioner Dixie Thompson to invite to the next Commission meeting a representative of the Fish and Wildlife Services to discuss the endangered species. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(20)

#### CASTLE VALLEY RIDGE ALLOTMENT

Commissioner Dixie Thompson briefly discussed the Castle Valley Ridge Allotment. She noted that the County cooperated in the trail from Nook-Woodard into Carbon County. Original indications is that there would be no problem with the grazing leases, however, permittees have had their allotments reduced. Therefore, Commissioner Thompson made a motion that the Commission show a letter of support for the trail, but that the Commission meet together with the permittees and the Forest Service. After further discussion, motion was seconded by Commissioner Kent Petersen and approved by all members present.

(21)

#### DISCUSSION OF ECOSYSTEM MANAGEMENT

This item having been on the agenda, Commissioner Dixie Thompson recommended this item be table at this time. Commissioner Kent Petersen discussed his involvement. Commissioner Dixie Thompson expressing her concerns in being combined with Grand and San Juan Counties. She noted Emery County does not have that much in common with these other Counties.

(22)

#### OUTLAW TRAIL PROJECT

Commissioner Kent Petersen noted receipt of a letter from Cindy Osler who has applied to the Community Impact Board for funds to develop a documentary on the Outlaw Trail.

After further discussion, motion was made by Commissioner Kent Petersen to prepare a letter of support of the concept. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(23)

#### CONSIDERATION AND ADOPTION OF RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$46,500,000 POLLUTION CONTROL REVENUE REFUNDING BONDS - RESOLUTION 11-3-93B

Motion was made by Commissioner Kent Petersen to adopt Resolution 11-3-93B which authorizes the issuance and sale of \$46,500,000 Pollution Control Revenue Refunding Bonds. The Commission stipulated that the payment to the County be a lump sum. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(24)

CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE  
ISSUANCE AND SALE OF \$16,400,000 POLLUTION CONTROL REVENUE  
REFUNDING BONDS - RESOLUTION 11-3-93C

Motion was made by Commissioner Kent Petersen to adopt Resolution 11-3-93C which authorizes the issuance and sale of \$16,400,000 Pollution Control Revenue Refunding Bonds. The Commission stipulated that the payment to the County be a lump sum. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(25)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 9:06 p.m. was made by Commissioner Kent Petersen, seconded by Commissioner Dixie Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin11-17-93

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

November 17, 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 9:06 a.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

COMMISSIONERS MINUTES

The minutes of the November 3, 1993, Commission meeting were tabled to allow the Commission sufficient time for review.

(2)

HUGH CHRISTIANSEN ATHLETIC DONATION

Kenneth Christiansen, father of Hugh Christiansen, addressed the Commission indicating that Hugh has been invited to the Sports Exchange in London, England, from December

26, 1993, through January 3, 1994. Wherein, students will compete for two days. The total cost to the participants is approximately \$2,000. Hugh will also be participating in a western regional in California on December 4, 1993. He inquired of the Commission if they would consider helping to sponsor Hugh Christiansen to the England event.

Commission Chairman Mark Justice informed those present of the athletic accomplishments of Hugh, recognizing his travel as a great ambassador to the County. Commissioner Justice indicated the Commission would like to go on record as supporting him and recommended a contribution to that support.

Whereupon, motion was made by Commissioner Kent Petersen to donate \$100 to Hugh Christiansen in his efforts to participate in the Sports Exchange in London, England. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

The Commission wished Hugh well and included in a separate motion made by Commissioner Kent Petersen was the donation of an Emery County jacket to Hugh. 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 #934183 through and including #934361 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
67	Canon 4050 copier - Auditor and Assessor	8,895.00	Approved
72	Empire BTU garage heater - Landfill	359.00	Approved
73	1994 Ford Crown Victoria - Sheriff	16,000.00	Approved
74	Laser printer, credenza, TV/VCR, three bookcases, radio and 8mm VCR - Drug Forfeiture	4,696.50	Approved

Whereupon, motion was made by Commissioner Kent Petersen to approve all warrants for payment and requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### APPROVAL OF BOARD OF EQUALIZATION ADJUSTMENTS

Assessor, James Fauver asked for a motion from the Commission to approve the Board of Equalization adjustments provided to the Commission at the previous Commission meeting.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Board of Equalization adjustments as presented by Mr. Fauver at the previous Commission meeting. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

#### JIM WHEAR - FOUR CORNERS MENTAL HEALTH

Jim Whear, Director and Administrator of the Four Corners Mental Health Center, Inc., addressed the Commission. He noted he had four items to discuss with the Commission.

A) The Mental Health Agreement previously entered into and a copy previously provided to the Commission terminates on December 31, 1993. It has been for a five-year period. He further noted that Carbon County amended their agreement two years ago and extended the contract to May 31, 2000. The Mental Health Board has recommended that Grand and Emery County give consideration to also extending their agreement to May 31, 2000. Mr. Whear discussed with the Commission the past involvement of Commissioners as Board members. He noted that because of possible conflicts of interest that the Commission has previously appointed three citizens of the County to represent the County on that board.

Whereupon, motion was made by Commissioner Dixie Thompson to adopt and approve the agreement as presented to include the amendments as discussed. Motion was seconded by Commissioner Kent Petersen and approved by all members present. Mr. Whear will obtain the other signatures and forward a signed copy to the County Clerk's office for their files.

B) Under Senate Bill 82 there are a number of changes on how committed patients are dealt with. In the new law, the State has left it to the County to designate a mental health carrier. It was his request to the Commission that they consider appointing Four Corners Mental Health Center, Inc., with Mr. Jim Whear as Director to be the designated carrier for the County for mental health services.

Whereupon, motion made by Commissioner Dixie Thompson to appoint Four Corners Mental Health Center, Inc., with Mr. Jim Whear as Director to be the designated carrier for Emery County for mental health services as discussed. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

C) Regarding the DUI rehab funds, Mr. Whear discussed with the Commission how DUI rehabilitation funds have been collected in the past. He noted that those funds have now been included in the 85% surcharge fee charged to defendants. These monies are sent directly to the State. Up to this time, they have been unable to receive back those funds in the DUI treatment of defendants. He further noted that Carbon County is looking into it.

At this time, Justice Court Judge Stan Truman outlined those funds submitted to the State from the first of the year through September which amounted to some \$56,000. However, it was pointed out that only a small portion comes back for the court required treatment of the defendants.

Mr. Whear pointed out that it was his recommendation that those funds either come back directly to Emery County, at which time he would bill the County for services provided or that those funds go directly to his Center.

Whereupon, after further discussion, it was recommended by the Commission that Auditor, Karen Truman, together with Justice Court Judge Stan Truman and Clerk, Bruce Funk meet to discuss this further and make a recommendation back to the Commission.

D) Commissioner Dixie Thompson inquired of Mr. Whear in that she was made aware of a Women's Conference which was held on battered and abused women. She pointed out that local people don't feel comfortable contacting someone down here with their problems. She inquired if there was an 800 number that these persons could contact and if mental health would be part of that support group.

(6)

#### BOY SCOUTS OF AMERICA - USE OF COPY MACHINE

Commission Secretary Leslie Bolinder indicated to the Commission that she had a request from Mr. Dennis Cox of the Boy Scouts of America for use of a County copy machine to print items for use in the Scouting organization within the County. They would, however, provide the paper for use which would amount to approximately one ream per month.

The Commission recognized the efforts of the Boy Scout leaders. Whereupon, motion was made by Commissioner Dixie Thompson to support and approve their use of a County copy machine. This to be coordinated with Commission Secretary Leslie Bolinder. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

#### PERSONNEL ITEMS - EMPLOYEE ASSISTANCE PROGRAMS



Personnel Director, Pat Snowball advised the Commission that in preparation of her budget for 1994 she has included funds for an employee assistance program as discussed by Mr. Gordon Hillier in a previous Commission meeting. She introduced Mr. Dan Martin who works with Four Corners Mental Health and Highland Ridge Hospital. At this time, Mr. Martin provided information to the Commission. He indicated his organization issues a card and assures anonymity as well as providing a toll free number where people can call. He noted the help on the line is a fully qualified person to deal with most issues and should they require other services, they do work with other social service organizations. The total cost to the County would be \$2 per year per employee. Mr. Martin reviewed with the Commission the treatment services provided.

Carol Ware from the County Employee Committee recommended support by the Commission.

The Commission took no action in regards to this item at this time, but would be considered in the budget process.

(8)

#### TREASURER'S BUSINESS - DISTRIBUTION OF TAXES PAID UNDER PROTEST

Treasurer, JoAnn Behling discussed with the Commission the need to distribute taxes previously paid to the County under protest and held in an escrow account. She informed the Commission that some \$897,000 is presently in that account and some monies go back to 1985 protests. She has identified all of the monies. She noted that some of the protests have been settled. Some have been paid and the monies now need to be distributed. It is her recommendation that these funds be distributed to those receiving agencies. The recipients of the largest amounts are the School District and the Castle Valley Special Service District.

Whereupon, motion was made by Commissioner Dixie Thompson to concur and support Treasurer, JoAnn Behling in the distribution of those funds. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

#### UTAH DEPARTMENT OF AGRICULTURE - REQUEST FOR ABATEMENT OF TAXES

Assessor, James Fauver advised the Commission of a request made by the Utah Department of Agriculture for abatement of taxes on certain property they have acquired through foreclosure. The taxes this year due on that property are \$76.27. The roll back taxes due to Green Belt amount to \$276.66. He further noted that the law specifically requires that all roll-back taxes are paid by government agencies who acquire properties under such circumstances.

Therefore, it was Mr. Fauver's recommendation that the Commission abate the taxes in the amount of \$76.27, but require the agency to pay the roll back as required under the law.

Whereupon, motion was made by Commissioner Kent Petersen to support the County Assessor's recommendation and approve the abatement of taxes in the amount of \$76.27, but require the agency to pay the roll back taxes in the amount of \$276.66. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

#### RON BARNEY - GASIFICATION PLANT - POWER REQUEST

Ron Barney, of Emery Recycling, addressed the Commission in that they have a need to get electrical power to the gasification plant construction site. He noted that they expect their funding the first of December. He has met with UP&L. Anticipated costs are from \$40,000 to \$56,000. He has no firm commitment from UP&L for construction of a power line. The length of line could be any where from 1/4 mile to 1-1/2 miles depending on the route taken. He further reminded the Commission that the project will create some 20 plus jobs. It will also provide a substantial savings to the County by handling refuse normally dumped in the County landfill. The need for water and fire protection was also inquired about. Mr. Barney suggested that possibly a pump could be installed into one of the County landfill monitoring devices. He further pointed out that he expected the plant to be in operation approximately one year from now.

It was the suggestion of Commissioner Dixie Thompson, to which all concurred, in that the Commission go over this item during the budget process as presently no monies have been budgeted. Mr. Barney agreed to allow the Commission time to consult and get back with him.

(11)

#### CLOYD FILLMORE - UNDERGROUND MINERAL RIGHTS

Cloyd Fillmore came before the Commission to discuss certain underground rights which he had at one time.

After further discussion, it was the recommendation of Commission Chairman Mark Justice that Mr. Fillmore meet with the County Attorney and Recorder's offices. The County could not take any action without some additional research.

Mr. Fillmore discussed road problems in the Joe's Valley Subdivision and rocks in streams. The Commission advised that those are on private property and are outside the jurisdiction of the County to assist there.

(12)

#### COMMUNITY IMPACT BOARD - PRIORITIZATION OF COUNTY PROJECTS

Commissioner Dixie Thompson addressed the Commission noting that the Commission has been asked by the Community Impact Board again to prioritize the three projects for which the County has requested grant funding. The three projects are: Castle Valley Special Service District for a road and drainage system in the amount of \$952,000; a golf course at Green River in the amount of \$575,000; and \$275,000 to the State Office of Planning and Budget for the development of a comprehensive plan of which \$75,000 is Emery County's part. Regarding the CIB decision requiring Emery County to prioritize them, Commissioner Dixie Thompson noted that the Commission does not have power or authority over the three different requesting entities. It was her suggestion that they try and work with the CIB for full funding.

Commissioner Kent Petersen noted that the fall back position is that Emery County could possibly look at part funding now and full funding later. Others in attendance at this time advised the Commission that they felt the CIB was shrieking their responsibility in requiring the Commission to prioritize the projects.

(13)

#### RECREATION DEPARTMENT BUDGET

Commission Chairman Mark Justice put this item on the agenda for clarification. He reminded the Commission that the Recreation Department Budget needed to be opened up and \$9,000 placed in there for purchase of water shares for use at the Huntington Ball Complex.

(14)

#### RE-INVENT COUNTY GOVERNMENT - COMMITTEE MEMBER APPOINTMENT

Commission Chairman Mark Justice informed the Commission that from those names previously approved in the last Commission meeting as members of the Re-Invent County Government Committee, that Wayne Gremel of Emery has declined because of work out of the County. It was therefore Commission Chairman Mark Justice's suggestion that Wayne Nielsen of Huntington be appointed to replace Wayne Gremel.

Whereupon, motion was made by Commissioner Kent Petersen to appoint Wayne Nielsen to the Re-Invent County Government Committee as discussed. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

The Committee's first meeting will be Thursday, November 18, 1993, at 7:00 p.m. in the County Courthouse.

(15)

#### CONTINUATION OF STUDY ON AIRPORT

Commissioner Dixie Thompson recommended to the Commission that they write a letter to continue the study for a new airport. She recognized that this does not obligate the County, but keeps the County in the process in order to determine eligibility. Public hearings and public comment will be taken later before any final decision should the County qualify and be eligible. This would provide for a continued study on the feasibility of such a project.

Whereupon, motion was made by Commissioner Dixie Thompson to authorize the Commission to sign the endorsement of the study project. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

#### 1992 AUDIT RECOMMENDATIONS - REPLY TO STATE AUDITOR

Commissioner Kent Petersen informed the Commission of the need to reply to the State Auditor's letter. Wherein, the Commission agreed to comply and adopt the recommendations of the Emery County independent auditors Kimball and Roberts recommended in their 1992 audit report.

Whereupon, motion was made by Commissioner Kent Petersen to authorize the Commission to sign a letter in reply outlining that they have adopted and implemented the recommendations given to the County by Kimball and Roberts in their 1992 audit of Emery County. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

#### COMMISSION ASSIGNMENTS TO GOVERNMENT AGENCIES

Commission Chairman Mark Justice noted that some time back, the Commission had discussed assigning Commissioners to work with different government entities. After further discussion, it was the consensus of the Commission that they review and discuss this further and that this be brought back to the Commission for final action.

(18)

#### EMPLOYEE CHRISTMAS GIFT

The Commission asked from those elected officials present recommendations for an employee Christmas gift. It was pointed out that last year the Commission provided to the employees a County jacket. Also discussed was the possibility of a turkey, ham or gift certificate.

After further discussion, motion was made by Commissioner Kent Petersen to provide a \$25 gift certificate redeemable at Emery County merchants only and that these be redeemed prior to December 31, 1993. These are not to be redeemed for cash, but for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

#### EMERY WATER CONSERVANCY DISTRICT - PROTESTING TRANSFER OF WATER RIGHTS TO DWR

Commissioner Kent Petersen reviewed his conversations with Mr. Eugene Johansen of the Emery Water Conservancy District concerning Pacificorp's transfer of land and water on the lower San Rafael to DWR. He noted that the Emery Water Conservancy District is protesting that action and inquired if Emery County desires to be involved. He noted this possibly affects the future flow through water rights on the San Rafael River including the quality and quantity of water.

Whereupon, motion was made by Commissioner Kent Petersen to join with the Emery Water Conservancy District in protesting the direct transfer of water and land to DWR. Commissioner Dixie Thompson in seconding the motion noted that the State and Pacificorp have pursued this without the Commission's knowledge and again expressed concern. Motion was approved by all members present. It was further recognized that this is a large private property deal directly to DWR and the parties have not involved others who might be effected.

(20)

#### COMMISSION REPORTS

Commissioner Kent Petersen:

1. He noted that the Road Department has received a request from China to visit there in regards to enzyme treatment of their roads. They have requested five Emery County employees and five people from Nielsen Construction. All expenses will be paid by China. There will be no cost to the County. County employees wages would also be reimbursed.

2. He advised that they have met with the Counsel of Governments and the local mayors. They have appointed Dale Roper to be the mayoral representative to the Association of Governments. He noted they are attempting to appoint himself as the AOG representative on the Community Impact Board replacing Rey Lloyd Hatt who resigned.

Commission Chairman Mark Justice:

1. He discussed the recent UP&L bond signing in which himself and Clerk, Bruce Funk participated.

2. He reviewed the UAC conference in St. George.

Commissioner Dixie Thompson:

1. She reminded the Commission that last January the Commission adopted the Bill Orton conservation plan. She introduced to the Commission at this time Mr. Dick Brass who has been helpful in documenting roads and putting them in inventory. Mr. Brass previously worked through Senator Garn's office and now Senator Hatch's office who has now requested of the Commission a response to Mr. Brass's Bill. Mr. Brass indicated he is a strong supporter of recreation in the San Rafael. Amongst those in which he participates is motorized recreation. He feels there should be more County involvement. He discussed Senate Bill 3332 which now Senator Hatch will introduce into the 103 Senate. Mr. Brass recommended release from the wilderness study, provide access to roads, protect the grazing rights, create an advising counsel appointed by the Emery

County Commission, establish a trail zone, remove present designations on the Reef. He inquired of the Commission as to why they support the Orton Bill over that which he is proposing.

Commissioner Dixie Thompson responded in that because of the newness of the Commission at that time and because of concerns over the wilderness. The Commission felt a need to support Mr. Orton's Bill. However, they felt in supporting another Bill would add additional leverage with the Bill Orton Bill. Mr. Brass suggested that the Commission write their own Bill outlining what the County wants and submit it to the Congress.

At this time, Commission Chairman Mark Justice pointed out that the Commission was unaware of Mr. Brass's stand or Bill. He expressed appreciation for Mr. Brass being in attendance. He asked that Mr. Brass provide to the Commission a copy of his bill for their review with the recommendation of Commissioner Dixie Thompson that this be put on the next Commission meeting agenda of December 1 for further consideration.

(21)

#### EXECUTIVE SESSION

Motion was made by Commissioner Kent Petersen to meet in Executive Session to discuss personnel issues at 11:13 a.m. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Those present at Executive Session were: Commissioners Mark Justice, Dixie Thompson and Kent Petersen; County Attorney, Mark Tanner; Clerk, Bruce Funk; Sheriff, Lamar Guymon; Personnel Director, Pat Snowball; and Auditor, Karen Truman.

(22)

#### RECONVENE REGULAR COMMISSION MEETING

Commission Chairman Mark Justice reconvened the regular Commission meeting at 12:46 p.m. with all members present.

(23)

#### SHERIFF'S DEPARTMENT EMPLOYEES GRIEVANCE REQUEST

The Commission having met in Executive Session to discuss this matter. Motion was made by Commissioner Kent Petersen to direct the Personnel Director and the County Attorney's office to prepare a response to Sheriff Department employees outlining those areas that can and cannot be grieved under the present personnel policy. Also outlining a detailed response to the other remaining areas and express a willingness on the part of the Commission to meet with them further. Many of their concerns would be addressed through their representatives through the collective bargaining process of which the Commission previously approved to enter into. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(24)

#### ADJOURNMENT FOR LUNCH

Commission Chairman Mark Justice adjourned the regular Commission meeting at 12:50 p.m. for lunch to reconvene at approximately 2:00 p.m. in the Small Conference room for a budget work session.

(25)

#### RECONVENING OF THE BUDGET WORK SESSION

The Commission reconvened in a budget work session at 2:25 p.m. Those present were: Commissioners Mark Justice, Kent Petersen and Dixie Thompson; Auditor, Karen Truman and Clerk, Bruce Funk.

The Commission at this time met to review each of the departmental budgets. In review of the various budgets, the Commission noted those areas in which increases were requested as well as any reductions. Amongst those items noted were additional staff requests as well as those who have requested raises. Agreed upon was to cut \$10,000 from the budget line 730 of the Airport. Also discussed was the need for increasing the cost of services provided to other agencies.

It was therefore the consensus of the Commission to set Monday, November 22, 1993, at 8:00 a.m.; Tuesday, November 23, 1993, at 8:00 a.m. and Wednesday, November 24, 1993, at 8:00 a.m. to begin budget work session days and to authorize the noticing up of the same.

(26)

#### MEETING ADJOURNMENT

The Commission adjourned the regular Commission meeting and the Budget Work Session at 5:02 p.m.

ATTEST

CHAIRMAN

ComMin12-1-93

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

December 1, 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 Clerk, Bruce Funk.

(1)

PUBLIC HEARING - 1994 EMERY COUNTY GENERAL REVENUE AND EXPENDITURE BUDGET, LIBRARY FUND, ECONOMIC DEVELOPMENT FUND, CAPITAL PROJECTS FUND AND CASTLE VALLEY SPECIAL SERVICE DISTRICT FUND

Commission Chairman Mark Justice opened the meeting to a Public Hearing to receive public comments on the 1994 Emery County General Revenue and Expenditure Budget, Library Fund, Economic Development Fund, Capital Projects Fund and Castle Valley Special Service District Fund. Commissioner Justice noted that both revenues and expenditures are down from 1993 and invited Emery County Auditor, Karen Truman to further discuss the recommended budgets for 1994.

Mrs. Truman noted that the decrease from 1993 is 2%. The overall recommended General Revenue and Expenditure Budget is \$7,610,902. It represents no increase in property tax or use of the fund balance. It also reflects a 1.5% cost of living increase effective January 1, 1994, and a 1.5% merit increase effective on the anniversary of the employee's date of hire, with a 2.5% elected officials increase effective January 1, 1994, and increase in the medical insurance premium. Other budgets mentioned were the Class B Road Fund with revenues and expenditures of \$1,103,725; Library of \$562,242;



Transient Room Tax of \$10,000; Economic Development of \$122,505; Capital Projects of \$400,000.

At this time, Commission Chairman Mark Justice asked for public comment.

Larry Davis addressed the Commission on behalf of the American Legion Baseball. He noted they had a budget request for \$5,000. He explained to the Commission the past ability to use high school equipment and uniforms which they will no longer have available for use. Previously with the assistance from the County, three cities and other donations as well as player contributions and use of school uniforms and equipment, the league was able to operate on \$3,000. As the only league for the older boys, it has brought the availability of scholarships to some of the participants. He solicited continued support by the Commission.

Commission Chairman Mark Justice noted that the Commission has set aside \$1,500 for the league program. The Commission at this time did not commit any additional funds, but would keep his request in mind should they be in a position at some future date to provide additional assistance.

Gordon Hicks of the Four Corners Mental Health came before the Commission on behalf of Jim Whear, expressing appreciation for the support of the Commission. He noted that their budget request was in the amount of \$55,614 which was the same budget request as last year. He noted that last year they did not receive the full request.

The Commission indicated at this point that they have tentatively approved the request in the amount of \$55,614. Mr. Hicks inquired as to funds for their drug education program. The Commission referred him to contact the Emery County Sheriff for any assistance in that program.

Richard Snowball spoke in support of the Weed & Mosquito Department. He is a member of the Emery County Weed Board. He solicited to the Commission support for an extra man in the Weed Department. The Commission advised Mr. Snowball that they have given full consideration to Weed & Mosquito Supervisor James Nielson's request for one full time person rather than the two temporary nine-month positions. All parties recognized the efforts of Mr. Nielson in operating the Weed & Mosquito Department.

Gary Price, of Clawson Town, addressed the Commission briefly outlining their efforts to become part of the Castle Valley Special Service District. He noted that the debt Clawson has assumed in their secondary water system is a \$100,000 bond. His request of the Commission was payment of the water tank obligation in the amount of approximately \$85,500. He noted that the combined indebtedness would be an extreme burden to those residents who already now pay an average of \$22.00 per month for culinary water. The Commission advised Mr. Price that his request is not part of the budget at this time, but would be considered as a separate request prioritized with other such requests from other various agencies.

Commissioners Kent Petersen and Dixie Thompson briefly discussed the budgeting process. They noted that projected revenues are less this year and will continue into the future as the power plants depreciate in value. The Commission has made every effort to recognize the needs of the requesting departments and agencies. However, it was pointed out that the impression is that Emery County is loaded, but the dollars are not there. It is frustrating in that the County is required to perform many State and Federal mandated programs.

Commission Chairman Mark Justice concluded in that the Commission is involved in an effort to modernize and update the data processing. There are federal mandates that will have to be applied to the Emery County landfill. They are also committed to maintaining and upgrading the television in the County. He further pointed out that the recommended budget does not include any additional personnel except the change in the Weed and Mosquito Department from the two temporary to a full-time employee. Any additional salary increases would go through the personnel department and be considered on an individual basis.

Darrel Leamaster, of the Castle Valley Special Service District addressed the Commission and those present, outlining his 1994 recommended budget. He noted that tax revenues have remained essentially the same for the past several years. Debt service has been about \$2,300,000. Therefore, the 1994 operating and maintenance budget revenue and expenditures would be \$1,226,550. He further provided to those present the Capital Projects Fund, Debt Service Fund and the 1994 budgeted Capital Projects. He further noted to the Commission that the Castle Valley Special Service District Board may wish to go to the public with a bond election next year to see if voters will authorize an additional general obligation bond in the amount of \$10,000,000. He outlined how those bonds might be used. He further advised the Commission that they have set aside \$10,000 for the GIS computer development. He noted they would like to participate with the County in regards to GIS. He further advised the Commission that his Board would like to do a \$1.4 million tax anticipation note.

Discussed with Mr. Leamaster were the changes in attitude in the Community Impact Board and the difficulties to obtain future funding of water and sewer projects.

At this time, Auditor, Karen Truman extended compliments to the Commission in their efforts in meeting with department heads. She noted that the recommended budgets do not increase taxes nor provide for the use of monies in the fund balance in the general operations of the County.

Commission Chairman Mark Justice inquired if there were any other public comment. There being none, he closed the public hearing at 6:40 p.m. and reconvened the regular Commission meeting.

(2)  
COMMISSIONERS MINUTES

The minutes of the November 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.

The minutes of the November 17, 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 #934362 through and including #934498 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
75	One 486 DX/66 Computer - Extension	2,375.00	Approved
76	Canon 4050 Copier - Courthouse (upstairs)	8,895.00	Approved
77	Hewlett Packard Printer - Planning & Zoning	350.00	Approved

Whereupon, motion was made by Commissioner Kent Petersen to approved all warrants for payment and requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. Commissioner Kent Petersen noted that the loader approved for purchase in the Commission minutes of November 3, 1993, requisition #71, will not be purchased by the Road Department.

Auditor, Karen Truman informed the Commission that in the past the County has not had sufficient funds at Corporate Benefit Services to pay for outstanding medical claims. There has been additional delays in requiring that requests for funds be placed on the warrant list for presentation at the next Commission meeting. Therefore, it was her recommendation that the Commission consider authorizing prepayment of requests for funds in the payment of medical claims by CBSA as needed.

Whereupon, motion was made by Commissioner Kent Petersen to authorize Auditor, Karen Truman to pre-pay requests for funds in the payment medical claims by CBSA as needed. This will allow for prompt payment of claims. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball addressed the Commission in regards to the Emery County Health Insurance. She indicated there are concerns which have been brought to the attention of the Commission in the reports provided to the County. She noted that payments to the fund are less than the expenses. Therefore, she suggested that the Commission look at a number of cost control measures. Amongst these would be increasing the monthly contribution per employee paid by the County, raising the deductibles, eliminate the deductible carry-over, change the script card to preferred provider. After further discussion, it was recommended that possibly the employees need to be made aware of the problem.

County officials and employees expressed concern in that it appears that any increase given to the employees would be taken away in these additional costs. Those expressing concerns were Carol Ware, JoAnn Behling and Bruce Funk. Encouraged was the use of generic brand prescriptions.

No action was taken by the Commission at this time, but would be given further consideration at a later date.

(5)

#### EMERY WATER CONSERVANCY DISTRICT - BOARD APPOINTMENT

Jay Mark Humphrey, Manager of the Water Conservancy District, in his letter of November 26, 1993, to the Commission and also present at this time, informed the Commission that Wayne Staley's term as a member of the Board of Directors for the Conservancy District expires in 1993. Mr. Staley has agreed to serve another term on the Board. Therefore, Mr. Humphrey requested support in reappointing Mr. Staley for another term.

Whereupon, motion was made by Commissioner Dixie Thompson to appoint Mr. Wayne Staley for an additional term as a member of the Board of Directors for the Water Conservancy District. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

Mr. Humphrey noted that Mr. Staley represents the Muddy Creek area.

(6)

#### COMMISSION ASSIGNMENTS TO WORK WITH GOVERNMENTAL AGENCIES

Commission Chairman Mark Justice noted that from previous Commission meetings that the Commission had considered assigning a specific Commissioner to work with certain governmental agencies. He therefore, inquired of Commissioner Dixie Thompson which agency she would prefer working with. She responded to DWR. Commissioner Kent

Petersen indicated that he would prefer working with the BLM. Commission Chairman Mark Justice would then work with the Forest Service.

Whereupon, motion was made by Commissioner Dixie Thompson to assign each of the Commissioners to the governmental agency as agreed upon. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

#### CANYON COUNTRY PARTNERSHIP

Commissioner Kent Petersen briefly reviewed the Canyon Country Partnership. He noted that this brings Federal, State and Local agencies together to discuss issues. He described those areas being considered by the group. However, he recommended that no action be taken by the Commission at this time and it be tabled for further review and possible consideration at a later time.

(8)

#### DICK BRASS - BILL REGARDING SAN RAFAEL SWELL

Dick Brass in a follow-up to the previous Commission meeting, inquired if they have had a chance to review his proposed bill. Commissioner Dixie Thompson noted that Mr. Brass's bill appears to be good for the grazing. However, recommended future mining and exploration be included. Mr. Brass concurred. She felt that the County should support such a bill as it would indicate concern and would be a supplement to the Orton proposal in that it too provides for multiple use.

At this time, Mr. Brass noted that the bill should include a clause in the road inventory to include both maintained and unmaintained roads. He pointed out that no one has seen what the Bill Orton bill recommends. However, the Commission pointed out that they understand the recommendations are better than other bills before Congress and that the Commission will continue to support Mr. Orton's bill.

Commissioner Kent Petersen noted that Mr. Brass has done a good job. He would like to see Mr. Brass involved in the Project 2000 which the County is also committed to. This could be an ongoing part of what the County would like to accomplish. Such a proposal could be included with the Project 2000. He again suggested Mr. Brass's involvement.

Mr. Brass expressed concern in that Congress might act while the Commission is involved with the Project 2000 and other projects. However, the Commission did not agree with Mr. Brass as long as they are actively involved in trying to resolve the issues. Mr. Brass feels the bill will be a bargaining tool if it was in the Congress as a Bill. He further inquired of the Commission if they had any objections to it being considered as a bill.

Whereupon, motion was made by Commissioner Dixie Thompson to support and send Mr. Brass's proposed bill on to Senator Hatch with the recommended changes. Motion was seconded by Commissioner Kent Petersen who after further discussion withdrew his second. He concurred with Commission Chairman Mark Justice's recommendation that the County has already gone on record in support of Mr. Orton's bill. Such consideration might have a negative effect.

Commissioner Justice's pointed out in our commitment to the Project 2000 and the United Utah Delegation support to now support another bill it may appear that Emery County is disjointed. Commissioner Dixie Thompson argued for support for Mr. Brass's bill.

In conclusion, it was agreed by the Commission that they had no objection to Mr. Brass submitting the bill with the changes indicated, but noted at this time the Commission would take no formal action of support. Therefore, motion died for lack of a second.

(9)

#### COMMISSION REPORTS

Commission Chairman Mark Justice:

1. He advised the Commission of the upcoming Grand County conference to discuss the rural County landfill issues. This is to be held December 15 and 16 in Moab.

Commissioner Dixie Thompson:

1. She reviewed the November 23 meeting with UDOT. Wherein, they reviewed the projected five year projects. Discussed was the bridge replacement north of Huntington as well as other road and bridge projects.

2. She further read a letter prepared to the BLM requesting that they provide to the County an inventory of closed roads due to critical soils. This is in a follow-up to their request.

(10)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 8:00 p.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen 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, 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 Maughan Guymon.

(1)  
COMMISSIONERS MINUTES

The minutes of the December 1, 1993, Commission meeting were held to allow sufficient time for review by the Commission and will be considered at the next Commission meeting.

(2)  
AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #934547 through and including #934746 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
78	Qualisoft Ambulance Billing System Software License and Annual Maintenance - Sheriff/ Ambulance	2,875.00	Approved
79	Radio for Dodge Ram - Planning & Zoning	1,606.00	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)

INTENT TO SECURE TAX ANTICIPATION NOTES - RESOLUTION 12-15-93A

Auditor, Karen Truman asked County Attorney, Mark Tanner to review the Resolution for Commission consideration at this time. Resolution 12-15-93A declares the intent of Emery County to arrange for short-term financing to accommodate anticipated operating capital deficits by the issuance of tax and revenue anticipation notes. Also, that Emery County is a participant in the Utah Association of Counties combined cash flow borrowing program.

Mrs. Truman pointed out to the Commission it is beneficial for the County to participate in a tax anticipation note and to join together in the Utah Association of Counties pool. She noted that the limit the County could borrow would be \$5 million. In the past they have borrowed \$4.5 million. She further pointed out that the Castle Valley Special Service District is anticipating a \$1.4 million tax anticipation note. Therefore, that leaves \$3.6 million for the County. It was her recommendation that they go ahead.

The Commission inquired if at the County's present fund balance, is it still to the County's advantage to do a tax anticipation note. Mrs. Truman concurred in that it was.

There being no other discussion, motion was made by Commissioner Dixie Thompson to approve Resolution 12-15-93A which declares the intent of Emery County to participate through the UAC pool in the purchase of tax anticipation notes in the amount of \$3.6 million. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4)

ADOPTED 1994 EMERY COUNTY BUDGETS - RESOLUTION 12-15-93B

Auditor, Karen Truman presented to the Commission Resolution 12-15-93B. Said Resolution is for adoption as the 1994 Emery County General Revenue and Expenditure Budget. She noted that the total general revenues and expenditures for Emery County is in the amount of \$7,619,102; Class B Road Fund revenue and expenditure of \$1,301,725; Library revenue and expenditure of \$562,242; Economic Development of \$122,505; and Capital Projects of \$400,000. It was noted that the proposed budget for adoption includes a 2.5% salary increase for Elected officials and a 1.5% salary increase for County employees effective January 1, 1994. Also an additional 1.5% merit increase for County employees of the anniversary of their date of hire. It does not anticipate a tax increase nor spending of the fund balance only its use as allowed by law.

Whereupon, after further discussion, motion was made by Commissioner Kent Petersen to approve Resolution 12-15-93B as presented. Commissioner Dixie Thompson noted that she did not agree with those monies budgeted in certain areas. Therefore, she felt she



could not approve the budget. Commission Chairman Mark Justice noted at this time that the proposed budget for adoption is a compromise. Therefore, as Commission Chairman he stepped down to second the motion. Commissioners Kent Petersen and Mark Justice voted in favor of the motion while Commissioner Dixie Thompson voted in opposition. Whereupon, motion passed.

This minute entry was amended to include the following as per Commission action of January 5, 1994. Commissioner Dixie Thompson asked that her reasons for voting in opposition be included in the minutes which are as follows:

"I feel the items listed below are worth items to fund, but not at the expense of the County's basic infrastructure: Economic Development - \$50,000 misc. spending (Industrial Park funding); Economic Development - \$12,000 donated tree project; Chamber of Commerce - \$5,000 for employee; Cost of living wage - \$50,000 (County can't afford a yearly increase unless increase in revenues).

"\$100,000 was once again cut from the road department signaling a precedence putting in jeopardy the road department's ability to maintain at an acceptable level so as not to lose the basis system.

"If reduced funding continues, failure to perform currently needed repairs will result in accelerated deterioration of the roads and will result in unacceptable serviceability and excessively high costs at a later date.

Commissioner Justice pointed out that this was simply a road department request cut and that the funding for 1994 in the road department shows an actual increase over the previous year's funding. He recommended in fairness to all departments, included with the minutes should be the 1993 budget, the 1994 requested budget and the adopted 1994 budget.

Commissioner Thompson indicated that this is a reduction based on the 1992 budget and what she was seeing was a trend that would significantly decrease the roads in the County which are a basic infrastructure.

After further discussion, motion was made by Commissioner Dixie Thompson to amend the minutes to include the above information and additionally include the 1992 budget. These items are to be provided and included by the Auditor's office. Therefore, accept the minutes as amended. Motion was seconded by Commission Chairman Mark Justice and approved by all members present.

(5)

#### 1994 EMERY COUNTY COMMISSION MEETING SCHEDULE

Clerk, Bruce Funk presented to the Commission the proposed schedule for official meetings of the Emery County Commission for the year 1994. After further discussion, it

was the consensus and recommendation of the Commission that the first Commission meeting of the month begin at 9:00 a.m. and the

Also presented was the 1994 Emery County Holiday schedule as follows:

New Year's Day 1994 Friday 12-31-93

Human Rights Day Monday 01-17-94

President's Day Monday 02-21-94

Memorial Day Monday 05-30-94

Independence Day Monday 07-04-94

Pioneer Day Monday 07-25-94

Labor Day Monday 09-05-94

Columbus Day Monday 10-10-94

Veterans Day Friday 11-11-94

Thanksgiving Day Thursday 11-24-94

Christmas Eve Friday 12-23-94 (1/2 day)

Christmas Day Monday 12-26-94

Whereupon, motion was made by Commissioner Kent Petersen to approve the 1994 Commission Meeting and Holiday schedules as discussed. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

#### CONTRIBUTION FOR MISS PANORAMA PAGEANT

Leslie Bolinder read to the Commission a letter received from George Stucki who is requesting contribution from Emery County in the amount of \$40 as an entrance fee for a County participant in the Miss Panorama pageant. Also requested that the County purchase \$30 in tickets to the pageant. He noted in the letter that this would take place January 8, 1994, at the Emery High School auditorium. This is an open pageant in which the County sends one lady as a participant.

After discussion, motion was made by Commissioner Kent Petersen to approve the \$70 contribution as request and that those funds be taken from dues and contributions which

budget will be readjusted on December 22, 1993. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

#### ROSEANN FILLMORE - PROCARE REPORT

Economic Development Director, Roseann Fillmore noted that the after school program "ProCare" is about to get under way. They have hired seven people with Linda Jewkes is the Assistant Supervisor for Emery County. They anticipate that they have complete funding. However, if a short-fall should come, their request would be that Emery County, at most, contribute \$2,000. She pointed out that they do not feel it will be required. The Procure Program is in each of the elementary schools in the County. Funding is primarily based on fees charged at the rate of \$1.50 per hour per child. It was noted that they are not in competition with other daycare centers.

Whereupon, motion was made by Commissioner Kent Petersen to support the program, noting that Emery County will help all that they can should at the end of the year additional funds be required with those funds to be taken from Dues and Contributions. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### BID OPENING FOR CONSTRUCTION OF EMERY COUNTY WELCOME SIGN

Economic Development Director, Roseann Fillmore noted that received were two bids for the construction of the sign as well as one bid for the electrical portion of the sign.

Clerk, Bruce Funk opened the bids and read them aloud. The first one was from Gopher Outdoor, Inc., out of Price, Utah, containing three options. Option #1 in the amount of \$12,545; option #2 in the amount of \$7,410.00; and option #3 in the amount of \$6,970. The second bid received from Derald Oliver in the amount of \$6,651.55. The third bid received was for the electrical wiring of the sign in the amount of \$488. The sign is to be located at milepost 49.95 on SR-10.

Whereupon, it was the consensus of the Commission and motion of Commissioner Dixie Thompson to recognize Mr. Oliver as the apparent low bidder and that these bids be taken back to the Economic Development Council for approval and acceptance. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Six-Month Orientation Increases -

Lee Rasmussen, progress from Grade 12A, \$9.91 per hour to a Grade 12B, \$10.14 per hour, retroactive to November 10, 1993.

Wayde Nielsen, progress from Grade 10A, \$9.12 per hour to a Grade 10B, \$9.32 per hour, retroactive to December 3, 1993.

David Harrison, progress from a Grade 10A, \$9.52 per hour to a Grade 10B, \$9.73 per hour, retroactive to September 15, 1993.

Whereupon, motion was made by Commissioner Kent Petersen to approve the Personnel Actions as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

B) Mrs. Snowball noted that upon the retirement of Charlane Luke in the Auditor's office, the County had created a temporary floater position to work part time in the Auditor's office and part-time in other offices needing clerical help. She noted that position has been very successful. However, at this time she would like to have Commission approval to begin the recruitment process to fill that initial vacancy. Effective date is January 1, 1994, at the rate of \$7.11 per hour on a Grade 4A.

Whereupon, motion was made by Commissioner Dixie Thompson to authorize Emery County Personnel Director, Pat Snowball to begin the recruitment process to fill the initial vacancy as discussed. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

#### APPROVAL OF AMBULANCE RATE CHANGES

Commission Chairman Mark Justice noted that the Commission discussed several months ago the need to consider adjusting the ambulance rates. Emery County's ambulance rates are significantly lower than the State approved rates. The County expenses for the ambulance exceed the revenues. Therefore, the purpose of having it on the agenda at this time was to give further consideration.

Sheriff, Lamar Guymon reviewed the present County rates which have a base rate of \$120, base non transport of \$60 and mileage at \$4.00 per mile. He noted the State-approved rates are \$190.90, base rate with a monitor and defibrillator at \$201.50, a base rate for non-transport of \$150 and mileage at \$7.42 per mile. They also have an emergency surcharge of \$18, a night surcharge of \$18 and an off-road surcharge of \$151. Sheriff Guymon recommended that there be no increases in the present County charge for equipment. He further noted that Green River and Huntington ambulances will be defibrillator certified. He also pointed out that most patients have some form of insurance. Therefore, these increased costs would not directly effect the patients. It was also noted that they do make hardship allowances through the Sheriff's office.

Commissioner Dixie Thompson expressed concern as to whether this created additional revenue over and above the expenses to which she would be opposed.

It was noted that the 1994 budget revenues were \$125,000. Budget expenses were approximately \$192,000. This is based on the present rate. Discussed was the possibility of implementing the changes to be reviewed next year.

It was Commissioner Kent Petersen's recommendation that in approving the State rates that they eliminate the three surcharges as mentioned. Also mentioned was that the County would be looking to replacing ambulances in the future and certain accumulation of revenues above expenses would be helpful.

Commissioner Dixie Thompson recommended that this item be put in the paper to make the public aware of what the new rates would be.

Whereupon, motion was made by Commissioner Kent Petersen to adopt the State-approved ambulance rates with the deletion of the emergency, night and off-road surcharge fees which the State presently incorporates. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### COMMISSION APPOINTMENTS TO THE COMPREHENSIVE PLANNING COMMITTEE

Commission Chairman Mark Justice in a follow-up to the meeting of the Project 2000 wherein the County was asked to appoint a person to represent planning and zoning in the County. That person being a contact person for that Committee and the Commission. However, Commissioner Justice noted that the area is so broad and that all Commissioners are involved in at least one aspect of planning and zoning and comprehensive planning as well as the Project 2000. It was therefore, his recommendation that the total Commission stay involved and that any communications be jointly. It was further agreed that Commissioner Justice prepare a letter for Commission signature to the Project Committee outlining the continued involvement of the total Commission.

(12)

#### AMENDING OF THE MINUTES OF AUGUST 4, 1993 - RESOLUTION 12-15-93C

It was noted that in the August 4, 1993, Commission meeting the Commission had held a public hearing and received public comment. Wherein, said meeting the Commission approved by motion to vacate the roads.

County Attorney, Mark Tanner noted that Emery County Recorder, Ina Lee Magnuson has requested documentation in order to record those vacations. He had prepared an Ordinance for the same. However, after discussion with those present, it was recommended that it be in the form of a Resolution.

Whereupon, motion was made by Commissioner Dixie Thompson to adopt Resolution 12-15-93C, vacating certain roads pursuant to Commission action of August 4, 1993, and amend the minutes to reflect the same.

(13)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She reported on her Wildlife Board Committee meetings. Wherein, they have discussed the number of elk, the quality of hunts, the development of an elk management plan for the State and particularly Emery County. That plan is expected the first part of January with a 30 day comment period. They will be meeting with the sportsman group. Also discussed was the mountain lions observed in and around the communities of Emery County.

Commissioner Kent Petersen:

1. He discussed meetings with regards to the BLM. Wherein, the BLM has recognized the Buckhorn road as an official RS-2477. He further noted the need to install approximately 14 culverts to prevent washout in parts of the Buckhorn road. However, because of raptor, will not allow any construction work from January 30 to August 31, 1994.

(14)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT 1994 ADOPTED BUDGET

Castle Valley Special Service District Manager, Darrel Leamaster presented to the Commission the final 1994 Castle Valley Special Service District revenue and expenditure budgets. He noted that these have not changed since the initial tentative budget was presented.

The Commission asked for comment from those present.

There being none, motion was made by Commissioner Dixie Thompson to approve the Castle Valley Special Service District General Revenue and Expenditure Budgets and other budgets as presented. Motion was seconded by acting Commission Chairman Kent Petersen who stepped down at this time. Motion was approved by all members present.

(15)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 10:33 a.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen and approved by all members present.

ComMin12-22-93

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

December 22, 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 Sheriff, Lamar Guymon.

(1)

PUBLIC HEARING - AMENDING THE 1993 EMERY COUNTY GENERAL  
REVENUE AND EXPENDITURE BUDGETS

Commission Chairman Mark Justice opened the meeting at this time for public comment to amend the 1993 Emery County General Revenue and Expenditure Budget. He asked Auditor, Karen Truman to review the budget adjustments. She pointed out that the purpose in adjusting the budgets is that certain departments have exceeded their original budget for a combined total of \$228,743. Therefore, she pointed out that revenues also have been increased by that same amount. This represents revenues received which were not originally budgeted. Therefore, she provided to the Commission a list of the budget adjustments and an audit trial.

Rue Ware questioned the Transient Room Tax. Mrs. Truman responded that has been increased to \$38,738 both in revenues and expenditures. This is a result of monies not used last year as well as increased revenues over that which was anticipated.

Maughan Guymon expressed concern in that his budget for the aging which had been increased by \$15,000 had not been restored to the original intent which was \$138,180. Therefore, he was \$14,808 short of their projection. After further discussion by the Commission, it was their feeling that they had met Mr. Guymon's needs. Therefore, requested that they meet with him further in reviewing the 1994 budget.

Commissioner Justice inquired if there were any further comment. There being none, he closed the public hearing at 9:16 a.m.

(2)

APPROVAL OF THE AMENDED 1993 EMERY COUNTY REVENUE AND EXPENDITURE BUDGET - RESOLUTION 12-22-93A

The Commission having received public comment in regards to adjusting the 1993 Emery County General Revenue and Expenditure Budget, motion was made by Commissioner Dixie Thompson to approve Resolution 12-22-93A. Said Resolution amends the 1993 Emery County General Revenue and Expenditure Budget. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

COMMISSION MINUTES

The minutes of the December 1, 1993, Commission meeting were reviewed. Motion was made by Commissioner Kent Petersen to approve the minutes as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

The minutes of the December 15, 1993, Commission meeting were held for the January 5, 1994, Commission meeting in order to allow sufficient time for review.

(4)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #934754 through and including #934768 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
80	10 Rug Mini-14 .223 Cal SS Semi 5 and 10 BUTMC-B Mini 14/30 Universal Folding Sto - Sheriff/Drug Forfeiture	4,490.00	Approved
81	Two FM Radio Translators and two FM Antennas - Communications	10,900.00	Approved
82	Advanced MPDS Card Set for Emergency Medical Dispatch -		



	Ambulance	465.00	Approved
83	One 1994 Ford 4X4 with equipment - Communications	16,679.00	Approved
84	One Radio for drug prosecution and Antenna - Attorney/Drug Forfeiture	1,691.00	Approved

Whereupon, motion was made by Commissioner Kent Petersen to approve the claims and requisitions as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)  
EMPLOYEE COST OF LIVING/MERIT INCREASE

Commissioner Kent Petersen reviewed discussions in which he has had with the employee merit committee. Wherein, they have recommended that all County merit employees receive 1-1/2% effective January 3, 1994, and all merit employees receive a one-step increase on June 30, 1994. This would be fair to all employees. He noted that this initially worked out to be approximately a 2.6+% increase for the year. However, he noted that a step increase is more than 2%. Therefore, at that time of year employees would have a total increase of just over 3.5%.

Whereupon, motion was made by Commissioner Kent Petersen to adopt these recommendations for the year 1994. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)  
COST OF LIVING INCREASE - CONTRACT EMPLOYEES

Auditor, Karen Truman advised the Commission that the County has two contract employees. Those being David Blackwell and Teresa Manzanares of the Attorney's office. She inquired as to any cost of living increase that the Commission is considering for these two individuals.

Whereupon, motion was made by Commissioner Dixie Thompson to provide Mr. Blackwell and Mrs. Manzanares the same cost of living and the same method as elected officials. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)  
COST OF LIVING INCREASE - ELECTED OFFICIALS

Commission Chairman Mark Justice noted that in the past the increases provided to the elected officials has been on a rotating basis. Wherein, one year they receive a percentage cost of living and the next year a flat amount distributed equally to all elected officials. Therefore, this year it is time for a flat rate applied equally to all. However, after further discussion, motion was made by Commissioner Kent Petersen to provide all elected officials and contract employees a 2.5% salary increase. Motion was seconded by Commissioner Dixie Thompson. Commissioner Mark Justice voted nay. Whereupon, motion passed.

(8)

#### CLAWSON FUNDING REQUEST - COUNTY LETTER OF INTENT

Clawson Mayor, Gary Price addressed the Commission requesting further consideration in paying off Clawson Water District's tank loan. This would enable Clawson to enter into the Castle Valley Special Service District. He noted that Clawson cannot become part of the Castle Valley Special Service District without dissolving the present Clawson Area Water and Sewer Improvement District. This would require the retirement of the District's indebtedness in the amount of \$85,500. He pointed out that this would relieve some of the hardship on the citizens since they are incurring an additional \$100,000 indebtedness with the secondary water system.

Whereupon, motion was made by Commissioner Dixie Thompson to provide to Clawson Town a letter of intent from the Commission to pay off that indebtedness provided they do become part of the Castle Valley Special Service District. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

#### CASTLE COUNTRY YOUTH CENTER CITIZENS ADVISORY BOARD - RESOLUTION 12-22-93B

Castle Country Youth Center Citizens Advisory Board requested Commission support by letter in their effort to obtain legislative support for funding of the multi-use youth crisis center to be located either in Carbon or Emery County. Therefore, they provided for Commission consideration Resolution 12-22-93B.

Whereupon, motion was made by Commissioner Dixie Thompson to support and adopt Resolution 12-22-93B in support of the Multi-Use Youth Crisis Center. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commission Chairman Mark Justice signed the same with a copy sent to the Citizens Advisory Board.

(10)

#### EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT PROJECTS

Commission Chairman Mark Justice noted for Commission information that the Recreation District has met and outlined their upcoming projects. They would like to build a Community Center which would also serve as a Senior Citizen Center. The Emery Medical Center would possibly like to locate there. There is a double basketball court. A theatre seating 125 to 150 people; racquetball court; weight room; sauna; and walking track. Other projects they would like to proceed on is a covered arena. The other project would be completion of an additional nine holes at Millsite Golf Course. It is anticipated the Recreation District will be coming back to the County in the month of January for some type of guaranteed funding. He noted that the Commission created the Recreation District for these types of projects.

(11)

#### BUCKHORN WASH ROCK PANEL RESTORATION PROJECT

Commission Secretary Leslie Bolinder advised that the Commission has been contacted by the Emery County Utah Centennial Commission. Wherein, they are requesting Commission support in the Buckhorn Wash Rock Panel Restoration project. Provided to the Commission for their signature was a letter of support. The project consists of a professional conservator cleaning up and restoring the pictograph site, landscaping the surrounding area, putting in tables and benches, informative signs and road improvement.

Therefore, motion was made by Commissioner Kent Petersen to approve and send the letter of support for the project in its entirety. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### SHERIFF'S DEPARTMENT COLLECTIVE BARGAINING AGREEMENT - RESOLUTION 12-22-93C

The Commission asked County Attorney, Mark Tanner to discuss the Collective Bargaining Agreement before them for consideration at this time. Mr. Tanner presented to the Commission for their consideration Resolution 12-22-93C which establishes Collective Bargaining for law enforcement employees of Emery County. This policy would be for the calendar year 1994. He pointed out that this represents only those employees of Emery County who are trained police officers, excluding management and supervisory personnel. That it be effective in January 1994 and under Section 2, subsection 4 that the County recognize a labor organization wherein the labor organization provides evidence that it represents the majority of employees in a bargaining unit. Such a representative shall be by majority vote of the employees.

Whereupon, motion was made by Commissioner Dixie Thompson to approve Resolution 12-22-93C as discussed. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

#### SUWA APPEAL ON IBLA DECISION

Commissioner Dixie Thompson reviewed the discussion on the Buckhorn Road. In 1991 the County received an official letter wherein the BLM made an administrative decision that the road was an RS2477 road. She now pointed out that SUWA has now made an appeal on the IBLA decision, wherein they state that they have some 10,000 members. SUWA members do travel and hike the area and do not like the additional human intrusion which a road would bring. She also discussed recent articles in regards to the peregrine falcon which SUWA had pointed out would be disturbed by the increased traffic. Published articles point out that there is no nesting problem caused by traffic noise as Utah has even found in the peregrine falcons nesting at the Hotel Utah.

Whereupon, motion was made by Commissioner Dixie Thompson to have the County move forward and make a statement and response that this be prepared through the County Attorney's office. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

#### APPOINTMENT OF ATTORNEYS TO REPRESENT EMERY COUNTY AND EMERY WATER CONSERVANCY DISTRICT IN PROTEST OF CHANGE APP. 17629

Commissioner Kent Petersen presented to the Commission a letter from Nielsen and Senior who the Commission recognized as Attorneys who have served in other water matters. Wherein, the firm has been retained by the Water Conservancy District to file a protest and otherwise oppose Change App. 17629. This is to change 38.99 sec of feet of water in the San Rafael River as previously discussed in Commission minutes of December 1, 1993. Wherein, Emery County has agreed to join with the Conservancy District in their protest. Their letter of December 17, 1993, points out that the Conservancy District will be responsible for all legal fees and costs incurred in this. If a conflict arises due to their representation of Emery County in this matter, that Emery County agrees to waive the conflict.

Whereupon, motion was made by Commissioner Kent Petersen recognizing the terms of the letter as acceptable and authorize Commission Chairman Mark Justice to sign the same and return one copy to Nielsen and Senior. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### COMMISSION REPORTS

Quickly reviewed for those present were meetings which the Commissioners had been to and the impact upon Emery County. Discussed was the increasing number of letters from Forest Service and the need to respond. The Commission expressed appreciation to

Sheriff, Lamar Guymon for the EMT's, Fire and other emergency personnel of the County and the excellent service in which they provide.

(16)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting was made by 10:22 a.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen and approved by all members present.

ComMin1-5-94

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

January 5, 1994

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)

#### APPOINTMENT OF COMMISSION CHAIRMAN

Commission Chairman Mark Justice at this time reviewed the Commission Chairmanship for the past three years. He further recommended that Commissioner Kent Petersen be appointed as the Emery County Commission Chairman for 1994. Whereupon, motion was made by Commissioner Dixie Thompson to appoint Commissioner Kent Petersen as Emery County Commission Chairman for the year 1994. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

#### COMMISSION APPOINTMENTS

The following Commission assignments were considered by the Commission. The only noted change was that the Council of Governments was changed from Commissioner Thompson to Commissioner Kent Petersen.

Dixie K. Thompson    Kent Petersen                      Mark T. Justice

Airport	Asso. of Governments	Animal Control	
Assessor	Auditor		Ambulance
Attorney	BLM		Chamber of
Commerce			
DWR	Council of Governments		Civil Defense
Fair	Courthouse		Clerk
JTPA	Data Processing		Economic Development
Library	Extension		Fire Control
Mental & Public Health	Green River Co. Complex		Forest Service
Personnel	Green River Med. Center		Justice Court
Roads	Housing Authority		Landfill
RC&D	Human Services		Nursing Home
Weed & Mosquito	Museum/Historical		Planning & Zoning
	Recorder		Recreation
	Roads		RSVP/Sr. Citizens
	Treasurer		Sheriff
			Television

Whereupon, motion was made by Commissioner Mark Justice approve the Commission assignments as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)  
COMMISSIONERS MINUTES

The minutes of the December 15, 1993, Commission meeting were reviewed. It was noted that Commissioner Dixie Thompson had asked that item #4 of those minutes be amended to reflect the reasons why she voted against the proposed budget at that time. After further discussion, it was the consensus of the Commission and motion of Commissioner Dixie Thompson to amend item #4 of those minutes as discussed including comments made by herself and Commissioner Justice. Motion was seconded by Commissioner Mark Justice and approved by all members present.

The minutes of the December 22, 1993, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice 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 #934769 through and including #935037. She further requested that she be authorized to keep the books open until Friday, January 7, 1994, in that there were some County employees who were not able to redeem their certificate before the deadlines. Therefore, she asked the Commission to consider authorizing her to do so.

Whereupon, motion was made by Commissioner Mark Justice to approve the Warrant/Check Edit list for payment and authorize the Auditor's books to remain open through Friday, January 7, 1994, and allow any County employee who did not have the opportunity to redeem their gift certificates to do so. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)

CLAWSON AREA SEWER AND WATER IMPROVEMENT DISTRICT - TANK LOAN PAYOFF

Commissioner Mark Justice at this time made a motion to approve the payment of \$85,500 to Clawson Area Sewer and Water Improvement District. Said funds are to be used to pay off the existing water tank loan. Therefore, that would enable Clawson Town to join the Castle Valley Special Service District. Further, that this project be prioritized as the County's #1 capital project for 1994. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Justice Court - Request approval to hire Sharon Wickman to perform temporary clerical duties for a nine-month period beginning January 6, 1994, and ending approximately September 6, 1994, at \$6.25 per hour.

B) Personnel Office - Request approval to hire Shellee Jones in the career service position of Office Specialist, Grade 4, Step A, \$7.22 per hour, effective January 1, 1994.

C) Weed & Mosquito Department - Request approval to recruit for a career service position of Weed & Mosquito Worker, Grade 10, Step A, \$9.25 per hour.

Motion was made by Commissioner Dixie Thompson to approve the personnel items as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(7)

COST OF LIVING INCREASE - ELECTED OFFICIALS - AMENDING THE DECEMBER 22, 1993, COMMISSION MINUTES

Commission Chairman Kent Petersen discussed the cost of living increase which was included in the minutes of December 22, 1993, item #7. Wherein, the elected officials and contract employees were given a 2.5% salary increase. Therefore, his recommendation, in that he made the original motion, would be to reconsider this matter.

Commissioner Mark Justice at this time noted that previously the increases had been on a rotating basis and that significant increases were given to some last year. It was, therefore, his recommendation and motion that the Commission rather than giving the 2.5% salary increase as approved in the December 22, 1993, minutes, be changed to an equalized adjustment as previously discussed. This applies to all elected officials, appointed officials and contract employees. Effective date is January 3, 1994. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### PEER HELPERS - REQUEST FOR DONATION

Members of the Emery High School Peer Helpers addressed the Commission noting that they have been invited to attend the Philadelphia, Pennsylvania, World Alcohol and Drug Conference. They went on to further describe the services that Peer Helpers provide locally to the community and the County and the benefit. They noted that they have had fund raisers. There are ten participants who are soliciting assistance to enable them to attend the conference.

Whereupon, motion was made by Commissioner Mark Justice to donate \$50 per student for a total of \$500 to the Emery County Peer Helpers to allow them to participate in the World Alcohol and Drug Conference in Pennsylvania. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### ADULT BASKETBALL LEAGUE - DONATION REQUEST

Commission Secretary, Leslie Bolinder read to the Commission a letter received from Kevin Reynolds who is requesting a donation from the Commission in the amount of \$200 to cover equipment, officials and prizes for the adult basketball league. Commissioner Mark Justice noted this is similar to what was done last year. It was his motion to approve the donation of \$200 to the adult basketball league. These funds are to be taken out of Dues and Contributions. Motion was seconded by Commissioner Dixie Thompson. She further noted that she would like to see such requests submitted for consideration at budget time if this is to continue on a yearly basis. Motion was approved by all members present.

(10)

#### PARTICIPATION IN THE CANYON COUNTRY PARTNERSHIP

Michael O'Donnell, of the BLM, addressed the Commission speaking on behalf of the Canyon Country Partnership (CCP). He noted that the CCP includes those State, Federal and local governing agencies as well as business, cultural, special interest organizations and individuals interested in the proper management and use of the public land within those boundaries. The partnership contains part of East, Central and Southeastern Utah and West Central Colorado primarily defined by the interbasin of the Colorado River or the Colorado Plateau. The partnership will provide a climate in which all participants can



collectively work with common purposes within their mandates noting that it does not take away the mandates of any agency. It provides a place where the public can address concerns where they can be looked by all agencies. He further pointed out that Commission Chairman Kent Petersen has been involved with the group.

Commissioner Dixie Thompson expressed concerns as it relates to the endangered species. She also questioned that should it not be compatible with the goals of Emery County, how do we terminate. Mr. O'Donnell pointed out that termination by any party is by 30 day written notice to the Chairman of the partnership.

Motion was made by Commissioner Mark Justice to recognize and approve Emery County as an official participant in the Canyon Country Partnership and authorize Commission Chairman Kent Petersen to sign the same. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Motion was also made by Commissioner Mark Justice to appoint Commission Chairman Kent Petersen as the Emery County official representative. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT - BOARD APPOINTMENT - REQUEST FOR FUNDING

Drew Leroy of the Emery County Recreation Special Service District came before the Commission noting that there is presently a vacancy on the Board. This vacancy was left by Joe Manzanares. It was their Board's recommendation to appoint Dan Whiteleather to fill the remaining term of Mr. Manzanares.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the appointment of Dan Whiteleather to fill the remaining term left by Joe Manzanares on the Emery County Recreation Special Service District Board as discussed. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Mr. Leroy further requested of the Commission monies for operating the Recreation District. His request of the Commission was for \$20,000 for their budget. Commissioner Mark Justice noted that these funds are to come out of Capital Projects. He noted that they have no monies in which to operate and they need to pay some outstanding obligations.

Whereupon, motion was made by Commissioner Mark Justice to approve the request of Mr. Leroy and that the funds be taken out of the Capital Projects budget. Question was raised as to the need to first prioritize the capital projects except for the Clawson Project. Therefore, Commission Chairman Kent Petersen inquired if they need these funds immediately. Discussed was a \$5,000 initial contribution which would allow the Commission sufficient time to prioritize the capital projects. Therefore, Commissioner Mark Justice withdrew his original motion.

Commissioner Mark Justice made a motion to fund \$5,000 at this time to the Recreation District out of Capital Projects to help pay outstanding indebtedness. Motion was seconded by Commissioner Dixie Thompson in order to allow for comments.

Treasurer, JoAnn Behling questioned in that the initial setting up of the Recreation District was not to use tax dollars. Commissioner Mark Justice noted that the intent was not to have a tax rate to generate revenues for such a District and that other existing dollars would be required in order to match required grant and loan monies as such from the CIB and others.

Whereupon, after further discussion, motion was approved by all members present.

(12)

#### EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT - BOARD APPOINTMENT

Commission Secretary, Leslie Bolinder informed the Commission that in the creation of the Emery County Fire Protection Special Service District, Resolution 7-1-92B, at that time Commissioner Clyde Thompson was appointed to that Board. He is no longer a Commissioner leaving of vacancy with two years remaining on his term. It was therefore recommended that Commission Chairman Kent Petersen be considered for appointment to that Board.

Whereupon, motion was made by Commissioner Mark Justice to appoint Commission Chairman Kent Petersen to fill the remaining term previously occupied by Commissioner Clyde Thompson. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

#### EMERY COUNTY ECONOMIC DEVELOPMENT COUNCIL - BOARD MEMBER APPOINTMENTS

Read to the Commission was a letter received from the Emery County Economic Development Council. Wherein, they have amended their by-laws to include a ninth member. This from the agricultural area. They have recommended Dennis Worwood for a three-year term. Whereupon, motion was made by Commissioner Dixie Thompson to appoint Dennis Worwood for a three-year term as recommended by the Economic Development Council. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(14)

#### QUITCLAIM DEEDS

County Attorney, Mark Tanner advised the Commission that previously they approved a Resolution to dispose of certain properties described therein. His purpose in coming

before the Commission at this time was to provide Quitclaim Deeds on those properties so that they can be properly recorded in the County Recorder's Office. Those properties being transferred are as follows: John Ward and Ceilia Tucker and John Roy, Cloyde D. and Ernest Deloye Tucker; Shen and Verla Jensen; and Denver & Rio Grande Western Railroad.

Whereupon, motion was made by Commissioner Mark Justice to approve the Quitclaim Deeds as prepared and authorize Commission Chairman Kent Petersen to sign the same. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### RURAL UTAH PUBLIC LANDS COUNCIL - MEMORANDUM OF AGREEMENT AND PAYMENT OF FEES

Commissioner Dixie Thompson reviewed Emery County's previous involvement in the Rural Utah Public Lands Council where Bob Weidner has been employed as a lobbyist. He represents the rural counties of Utah. He has been very instrumental in getting the PILT legislation to move forward. He has been very helpful. The cost to participate for the County would be \$8,500. Commissioner Thompson further pointed out that we are getting a much greater return.

Therefore, motion was made by Commissioner Dixie Thompson that the Commission approve the memorandum of agreement and pay the fee. County Attorney, Mark Tanner noted he has reviewed the agreement. His clarification to the Commission is that all three Commissioners have access to Mr. Weidner's services. He also pointed out that in the termination of the agreement, that it should read that costs are pro-rate up to the \$8,500 for services rendered at the time of termination.

Commissioner Mark Justice pointed out the greater need to change public opinion in the management of public land and felt that monies might be better spent at a local level. However, he would at this time second the motion allowing it to proceed for a vote.

Whereupon, Commission Chairman Kent Petersen called for a vote. He and Commissioner Dixie Thompson voted in favor of it. Commissioner Mark Justice voted in opposition. Whereupon, motion passed.

(16)

#### PUBLIC HEARING DATE SET FOR ORDINANCE ON NIGHTTIME HUNTING

Kevin Peacock addressed the Commission requesting the setting of a date for a public hearing on the Nighttime Hunting Ordinance. He noted that in September the Commission directed him to form a committee from various interested groups to further look over the draft ordinance and to make any recommended changes. He indicated that the committee has been formed. However, Ray Wareham who was originally requested by the Commission to serve on that committee did refuse to be part of the committee.

Therefore, the Committee consists of Jason Branson, Clark Stokes, Thayn Cox, Wayne Nielsen, Jay Mark Humphrey, Ross Hinkins, LaMar Guymon, Clyde Magnuson, Hallie Lemon and himself. They did come up with a lot of changes from the original one. He reviewed those changes and recommendations by the committee which were included in the draft ordinance for Commission consideration. He pointed out that if such an ordinance is not adopted by the County, there is no nighttime hunting.

Whereupon, motion was made by Commissioner Dixie Thompson to notice up the ordinance for a public hearing for February 16, 1994. Motion was seconded by Commissioner Mark Justice and approved by all members present.

It was noted that the Attorney's Office would prepare the notice for publication and said ordinance would be available at the Clerk's office for public inspection.

(17)

#### ENDANGERED SPECIES - FEDERAL FISH AND WILDLIFE SERVICE

Larry England, of the Federal Fish and Wildlife Service, at the request of the Commission was present to discuss proposals to list certain plants or cacti which lies in a small portion of Emery County on the endangered species list. This is known as the Winkler Cactus and is in the extreme South-West corner of the County. He further noted that it has a small population. It extends into Wayne and Sevier counties. It is being commercially exploited and collected. He further noted that it could be affected by land use, mining and grazing. He noted that some of it was in the Consol Mine area. They will be developing a recovery plan.

At this time, Commissioner Dixie Thompson expressed to Mr. England the concern the Commission has and the great impact that such a designation would have on closing certain areas to grazing and to mining. She further questioned the original population of the plant. To which Mr. England admitted that they had no initial counts.

After further discussion, it was her recommendation that Mr. England's agency provide a notice in the paper to make the public aware of what it is they are doing. Mr. England felt this would be good. The Commission further expressed appreciation to Mr. England for being in attendance and addressing the concerns of the Commission and those present.

(18)

#### EMERY COUNTY HEALTH INSURANCE CHANGES

Auditor, Karen Truman reviewed the financial shortfall in the 1993 operation of the County Health Care fund. She further noted that for 1994, the County has increased the payment to the fund by \$25 per month per employee. This would increase the fund approximately \$40,000 per year. It was felt that this would not be sufficient. She emphasized that the costs must be contained in the plan.

Recommended was the elimination of the carryover deductible when expenses have exceeded \$5,000 in one calendar year; changes in the Scrip card and an effort to get employees to work with the County in helping to control those costs.

Comments were expressed by Carol Ware. Commissioner Mark Justice recommended changes in the Scrip card and the carryover deductible. He noted it is the Commission's intent to provide the very best service and that an effort has to be made to reduce the cost to the County.

Whereupon, motion was made by Commissioner Mark Justice to make the following changes in the Emery County Health plan: 1) Eliminate the deductible carryover. 2) In regards to the Scrip Card, a preferred provider be used. In such case a preferred provider furnishing generic drugs the County would pick up 90% of the cost, and non-generic drugs at 70%. Non-preferred providers, generic drugs would be at 80% and non-generic would be 60%. Motion was seconded by Commissioner Dixie Thompson. It was further noted that an educational letter be sent out to all the employees emphasizing what is being done and solicit their effort to try and reduce those costs to the County. Effective date is to be January 15, 1994. Motion was approved by all members present.

(19)

#### EMPLOYEE COMMITTEE - LIFE INSURANCE RECOMMENDATION

Julie Winn, of the Emery County Employee Committee, informed the Commission that she conducted a survey several months ago to compare insurance benefits for Emery County employees with those of other Counties in Utah as well as Carbon & Emery School Districts, Mt. Fuel and Utah Power and Light. The focus of the survey was regarding situations where the husband and wife are both employed by the County or business and the benefits they receive.

From the survey, it was concluded by the Employee Committee that Emery County should consider changing the life insurance benefits for couples in the situation where both are County employees. Currently, the employee who has worked for the County the longest is usually listed as the "employee" for life insurance purposes and has a \$10,000 benefit. Whereas, their spouse, who is also an Emery County employee is listed as their dependant and only has a \$1,000 benefit.

Therefore, the Employee Committee requests that the Commission consider changing the policy for life insurance for couples who are both Emery County employees so that they have equal \$10,000 benefits.

Whereupon, motion was made by Commissioner Mark Justice to approve the \$10,000 life insurance coverage to all County employees. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(20)

#### EMPLOYEE ASSISTANCE PROGRAM

Personnel Director, Pat Snowball reviewed with the Commission previous discussions in regards to an employee assistance program. It was her recommendation that they now proceed with such a program. She noted that there are sufficient monies in the budget.

However, Commissioner Mark Justice asked if the Commission could delay this request for consideration at the next Commission meeting. It was agreed upon by those present that this would be considered at a later time.

(21)

#### RESPONSE TO GOVERNOR REGARDING THE UP&L/DWR LAND ACQUISITION

Commission Chairman Kent Petersen reviewed a letter received from Utah Governor Mike Leavitt. Wherein, he solicited Commission response in regard to the County's position in this matter.

Whereupon, motion was made by Commissioner Mark Justice that the County send a letter to the Governor. Wherein although they recognize the right of private owners to transfer properties to the State, that it sets a dangerous precedence. Motion was seconded by Commissioner Dixie Thompson who added and agreed by the Commission that included in the letter notice that the County has passed a resolution to support no net loss of private land in transfers of properties to the State or Federal agency. Whereupon, motion was approved by all members present. It was agreed upon that Commission Chairman Kent Petersen write the letter for Commission signature.

(22)

#### DISCUSSION OF PENDING TAX LEGISLATION

Commissioner Mark Justice reviewed for those present a memorandum received from Emery County Assessor James Fauver. Wherein, he discussed legislative bills being considered and the affect on the County. Those bills reviewed in his memorandum are Senate Bill 26, Senate Bill 36, Senate Bill 43, Senate Bill 39 and House Bill 58. Commissioner Mark Justice noted that the Commission is proceeding in setting up meetings with the legislators from our area and elected officials.

(23)

#### UTAH ASSOCIATION OF COUNTIES INSURANCE REVIEW

Insurance Director, Pat Snowball reviewed with the Commission the Utah Association of Counties liability insurance. She expressed concern in that Emery County was ranked at the top of claims. In providing a brief overview, she noted that Emery County has always reported all of the potential auto liability and property damage claims although many are settled or dropped. She further reviewed the results of the defensive driving course. The Commission commended her for her efforts and expressed appreciation for the review at this time.

(24)

#### ECONOMIC DEVELOPMENT REVOLVING LOAN FUND

County Attorney, Mark Tanner has drafted an opinion to the Attorney General's office for the transfer of County funds into the Emery County Economic Development Revolving Loan Fund. He cited case law wherein said funds can be used for job creation, economic benefit to the County and an increase tax base as well as others. He noted that the Attorney General's office has agreed with his opinion and finds sufficient cause.

Auditor, Karen Truman recommended that such a transfer be done with caution and in the opinion of the independent auditors it does require that it provide a public purpose. Therefore, the Commission was in agreement that a Resolution be considered by the Commission.

Whereupon, motion was made by Commissioner Mark Justice to release the funds previously held awaiting attorney approval to transfer to the Emery County Economic Development Revolving Loan Fund. Those funds are in the amount of \$25,000. It was further recommended that Economic Development Director Roseann Fillmore and Kent Wilson review those guidelines and file those with the Auditor together with the legislative findings and that consideration be given to a Resolution for Commission action showing the public purpose of said transfers. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(25)

#### COMBINING CLERK AND AUDITOR OFFICES

Commissioner Mark Justice noted that the Re-Invent County Government Committee is looking at making recommendation to combine the Clerk and Auditor's offices. He noted that this needs to be done as soon as possible because of filing deadlines.

At this time, Auditor, Karen Truman addressed the Commission, speaking against any such combining. She indicated that the resultant savings to the County would be minimal and that it would require the hiring of additional staff. She feels it is not a good time to run one incumbent against another. This should only be considered at times when there is retirement or vacancy in one of the offices no matter which offices are being considered for combination. She further pointed out that the Re-Invent County Government Committee has not discussed any matters with the County elected officials.

Clerk, Bruce Funk spoke in support of those comments offered by Auditor, Karen Truman. He too is in opposition to any consideration at this time for those same reasons Mrs. Truman stated. He noted that in any consideration, the Committee or the Commission should meet with the elected officials to further evaluate it. He indicated that all other elected officials have come to an agreement that this not be considered at this time.

There being no other consideration, no action was taken at this time.

(26)

#### FOREST SERVICE IMPROVEMENTS AT JOE'S VALLEY

Ira Hatch, from the Forest Service, came before the Commission to answer any questions in regards to improvements being considered at the Joe's Valley Reservoir. He noted that in 1960 the recreation facilities were established in Joe's Valley. It is now necessary to upgrade those facilities. They are looking at installing a fish cleaning station, a group area with pavilion for larger groups, they plan to replace the fence, they will upgrade toilet facilities, improve the road shoulders as well as improve handicap accessibility. The low water boat ramp will not be included at this time but will be considered later as funds are available. He expressed appreciation to the Commission for their help and any input.

#### (27) LEGISLATOR DINNER MEETING

The Commission set the date of January 7, 1994, at 5:30 p.m. for a legislator dinner meeting. This is to include all elected officials and their spouses to meet with legislators who represent our area.

(28)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She briefly discussed the Division of Wildlife Resources restructuring and cutbacks. She noted that most of the impact of those cutbacks will be on the urban area.

Commissioner Mark Justice:

1. He discussed meetings with Paul Crawford in a Cattle Association Meeting. He indicated a County-wide group has now been organized. They are looking for monies to put in public relations. This is to educate the public in the management of public lands. He discussed with those present that the County might consider sponsoring a dinner wherein the proceeds would go to help that organization. They have further appointed Clyde Magnuson as their president.

(29)

#### UTAH RURAL DEVELOPMENT COUNCIL

Commission Secretary, Leslie Bolinder noted that the Utah Rural Development Council is considering locating in a rural location. Through discussions with the Executive Committee Chairman, Emery County would like to express their interest in housing that council in the County's Courthouse. Emery County feels like they meet the needed facilities. It would be a real asset. Therefore, presented to the Commission for their signature was a letter outlining the same.



Whereupon, motion was made by Commissioner Mark Justice to approve the letter soliciting location of the Utah Rural Development Council in Emery County. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(30)

MEETING ADJOURNMENT

Commissioner Mark Justice made a motion to adjourn the meeting at 12:38 p.m. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

ATTEST

CHAIRMAN

ComMin1-19-94

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

January 19, 1994

At 6:00 p.m. Commission Chairman Kent Petersen recognized this was the appointed time for Commission meeting. However, postponed the regular Commission meeting to allow the continuance of the Emery County Special Recreation District Public Hearing and will convene the regular Commission meeting at 7:00 p.m. or at the conclusion of the Public Hearing. Therefore, the Emery County Commission meeting convened at 7:05 p.m. The meeting was called to order by Commission Chairman Kent Petersen.

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The invocation was given by Clerk, Bruce Funk.

(1)

COMMISSIONERS MINUTES

It was the consensus of the Commission that the minutes of the January 5, 1994, Commission meeting be tabled to be considered at the next Commission meeting to allow sufficient time for review. Motion to that effect was made by Commissioner Dixie Thompson, seconded by Commissioner Mark Justice and approved by all members present.

(2)

#### SCOTT PRICE - REQUEST FOR DONATION

Scott Price, in a letter read to the Commission by his father Jim Price, explained that he has received an invitation to participate with the Utah All Stars in the "Down Under" tournament in Australia. This takes place sometime in June or July. The participants are required to come up with the required funds of approximately \$2,295 each. He outlined those fund raising projects which he is involved in. He requested Commission consideration in making a donation.

Whereupon, motion was made by Commissioner Mark Justice to donate \$200. However, it was pointed out by Commissioner Dixie Thompson that a precedence has been set. Wherein, the County in the past has provided \$100. Therefore, Commissioner Mark Justice amended his motion to donate \$100 to Scott Price. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### EMERY COUNTY RECREATION DISTRICT - SEEKING FUNDING SOURCE FOR DISTRICT PROJECTS

Commission Chairman Kent Petersen recognized that the Commission prior to the beginning of today's meeting held were present at a Public Hearing to receive public comment in regards to the Recreation Projects. Commissioner Mark Justice noted that the request of the Recreation District at this time is to seek some form of expression of support and commitment from the Commission. This would enable them to proceed in developing plans and making application to the Community Impact Board. This would be for CIB's first meeting in March. They would like the CIB to consider three projects which would be a recreation complex in Castle Dale, covered sport arena in Huntington and an additional nine-hole golf course in Ferron. At this point it would not commit the County to funding, but would require consideration at a later time.

Commission Chairman Kent Petersen pointed out that having listened to the public comments expressed at the hearing, it appeared there were strong feelings to put it to the vote of the people. He did recognize the facilities as a great asset to the County, but that questions have been raised if the Commission should put funds into other areas. He expressed no opposition in the Recreation District proceeding, but would not be willing to commit funds at this time.

Commissioner Dixie Thompson indicated that she would like to wait on any funding for the projects. She would like to see it go to a vote of the people. This would allow more information to come forth. Those people in attendance at the Public Hearing were only a small percentage of the County.

Therefore, no action was taken by the Commission in regards to funding at this time.

(4)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT - REQUEST FOR ADDITIONAL FUNDING

Special Service District Manager, Darrel Leamaster requested of the Commission consideration for additional funding. His recommendation was that the Commission consider splitting the mineral lease monies, giving a portion to the Castle Valley Special Service District. He reviewed the history on the mineral lease monies, noting that in the public hearing in October 1988 that they as well as the cities had been present and requested part of these funds at that time. However, because of legal problems, only one purpose could be designated for those funds. Therefore, the Emery County Special Service District No. 1 which was created for the purpose of using those funds for transportation noted that recently the code allows for a total of ten functions in which those funds can be used.

Therefore, it was Mr. Leamaster's request that the Commission consider giving to the Castle Valley Special Service District a portion of those funds in that the District represents some 85% of all the residents of the County. He noted that the District has an increased problem of funds in their operation and maintenance in that they have taken on considerably more projects than originally anticipated. In order to continue, the District would have to consider one of four options: 1) Raise the water and sewer rates each at \$1.00 per month. This would increase revenues by \$62,000. 2) A tax increase by going to the voters for a 1 mil increase which would average \$15 per year on a \$75,000 home. Total revenues to the District would be approximately \$240,000. 3) Receive 15% of the mineral lease monies. This would be approximately \$300,000. 4) To stay the same as they are and cut services.

Recognized was Mr. Leamaster's efforts in obtaining monies from the Community Impact Board.

After further discussion, recommendation was made by Commissioner Mark Justice that the Commission table this request and review it in light of other requests for financial assistance requested of the Commission.

Commissioner Dixie Thompson pointed out that the Castle Valley Special Service District performs essential needs. She expressed concern in taking monies from the Special Service District No. 1 in performing an important service to the County in which the Road Department could not do. She would like to see the monies maintained in the Service District No. 1. She also pointed out that mineral lease funds in five years are expected to decrease to the local sites.

Therefore, it was the consensus of the Commission to table this matter at this time and give it further consideration at a later date.

(5)

#### EMERY COUNTY SCHOOL DISTRICT - REQUEST FOR PILT MONIES

Randy Jensen, Business Administrator of the Emery County School District, discussed the seriousness of the restructuring of the finance formulas for the schools. He noted the great financial impact it will have on the rural schools. Therefore, the school district is having to pursue other revenue sources. His request of the Commission was approximately 60 to 64% of the PILT monies received by the County. He emphasized that the most important place for monies to go is into education. The quality of our schools does effect economic development. They also provide a man power resource for businesses.

At this time, the Commission recognized the importance of education. However, it was the consensus of the Commission that this request be also tabled.

Wherein, Mr. Jensen further pointed out that some counties do share the PILT monies with the School District and some do not.

No action was taken in regards to this matter.

(6)

#### BLM UPDATE

Penny Dunn of the BLM recognized Laurel Hughes who has retired after 30 years of great service to the BLM and who is an Emery County resident. She further expressed appreciation to Road Superintendent Rex Funk and the Road Department for the fine job they have done on the improvements at the San Rafael campground at the Swinging Bridge. At this time, she introduced Tom Gnojek who is involved at the BLM over recreation and Paul Kelly with range conservation. She discussed the "Take Pride in Utah" volunteer day. That has been set for May 7 to precede the Governor's volunteer day on May 14. Their efforts are to try and spruce up the County. She discussed those plans with the Commission. In regards to range land reform, the EIS will be coming out in the next couple months. Noted was that the moisture is well below average.

At this time, Commissioner Dixie Thompson discussed with Mrs. Dunn the Emery County Comprehensive Plan and encouraged her involvement and participation in that.

(7)

#### FOREST SERVICE UPDATE

Ira Hatch, Forest Supervisor, discussed with the Commission and those present the forest allotment plan in addition to the following: Forest Service water rights and the misconception the public has in that it is part of a judication process. He noted that Snotel is 50% of the average. The grazing fee has been set for 1994 which is \$1.98 per animal unit per month. He discussed his noxious weed budget in that it is a high priority and he will be working with the County this year. He pointed out that the appeal process has changed. There is some training at the Carbon County School District office on Friday, January 21. He discussed green timber sales as well as salvage sales in September. He pointed out that the Elk management plan will greatly effect the County. He discussed lease by applications for coal leases.

Commissioner Mark Justice inquired as to the contour project. Mr. Hatch responded that they are now complete, it has been an excellent project and they are also very successful. He further invited the Commission to tour and observe the results of the contouring projects.

(8)

SECRETARIAL SERVICES FOR RE-INVENT COUNTY GOVERNMENT  
COMMITTEE

Clyde Conover, Chairman of the Re-Invent County Government Committee, informed the Commission of the need for secretarial skills for approximately two hours each meeting for their board. His recommendation was that the person be outside of County employment and that the secretary be hired by the Board and that the County provide secretary funds.

Whereupon, motion was made by Commissioner Mark Justice to approve the secretarial expenses for the Re-Invent County Government Committee. Those costs to be taken out of the non-departmental funds. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

CONSIDERATION AND ADOPTION OF RESOLUTION AUTHORIZING THE  
ISSUANCE AND SALE OF TAX AND REVENUE ANTICIPATION NOTES, SERIES  
1994 - RESOLUTION 1-19-94A

Commissioner Mark Justice presented Resolution 1-19-94A. Wherein, said Resolution is to authorize the issuance and sale of Emery County Tax and Revenue Anticipation Notes in the aggregate principal amount of \$4,965,000, awarding and confirming sale of the notes and entering into certain covenants and making certain representations in connection therewith; approving the form of the notes and related matters.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 1-19-94A as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

CONTRACT WITH CASELLE, INC. AND EMERY COUNTY FOR FINANCIAL  
SOFTWARE AND SUPPORT

Auditor, Karen Truman presented to the Commission for their consideration an agreement between Caselle, Inc., and Emery County for a financial program for the County. She noted that herself and Treasurer, JoAnn Behling have looked into the system and it was their recommendation to the Commission to proceed with the purchase of the financial program for the County. They noted that monies have been budgeted.

Commission Chairman Kent Petersen noted that the County would possibly recognize some savings from PMSI by these programs. He has further reviewed the request with Auditor, Karen Truman and Treasurer, JoAnn Behling.

Whereupon, motion was made by Commissioner Mark Justice to approve the contract with Caselle, Inc., in furnishing software and support of a financial system for Emery County as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)  
BUSINESS LICENSE APPROVAL

Clerk, Bruce Funk requested approval of a Business License for Rick J. Van Buren doing business as "A Lending Hand". The business is located at the Huntington Airport and is for employee contracting and temporary help.

Whereupon, motion was made by Commissioner Mark Justice to approve the business license based on the approval and recommendation of Planning & Zoning Director, Bryant Anderson. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)  
KELLY ALTON - GIRLS SOFTBALL FUNDING REQUEST

Mr. Alton informed the Commission that he is the girls softball coach at Emery High and he is trying to establish a quality program. In order to make a better facility for the girls program and to make it a safer place to play, he is asking for County assistance in providing curb and cutter for that safety and also to control traffic.

Commissioner Mark Justice noted that it was logical that the Commission consider this as part of the capital projects. Therefore, he requested that this item be tabled for now and considered at that time. Therefore, no action was taken at this time.

(13)  
CAPITOL HILL SERVICES - 1994 LEGISLATIVE SESSION

This item was placed on the agenda for consideration. However, it was pointed out by Clerk, Bruce Funk that the County is already receiving the services for the 1994 legislative session. Therefore, no action was required at this time.

(14)  
COOPERATIVE AGREEMENT FOR DESIGN OF BRIDGE REPLACEMENT  
BETWEEN EMERY COUNTY AND UDOT

This matter was placed on the agenda for Commission information. It was noted that previously approved was that Johansen and Tuttle Engineering were the designated

engineers for the County and the Cooperative Agreement has been signed and no further action was required at this time.

(15)

#### REQUEST FOR PROPOSAL (RFP) FOR HUNTINGTON AIRPORT

Commissioner Dixie Thompson noted that the airport consultants are considering a new airport for Emery County. RFP's will need to be sent out. Whereupon, motion was made by Commissioner Dixie Thompson to approve submitting RFP's to interested individuals on the airport. Inquired at this time was the status of the present airport. It was indicated that the airport is open and in service. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(16)

#### APPROVAL OF RESOLUTION OUTLINING PUBLIC PURPOSE OF REVOLVING LOAN FROM ECONOMIC DEVELOPMENT REVOLVING LOAN FUND - RESOLUTION 1-19-94B

Presented to the Commission for their consideration was Resolution 1-19-94B. Said Resolution is for the purpose of contributing \$25,000 to the Emery County Economic Development Council Revolving Loan Fund and outlines the public purpose for the revolving loan fund.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 1-19-94B as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

#### SOUTHEASTERN UTAH DISTRICT HEALTH DEPARTMENT

Gary Angott, Director of the Southeastern Utah Health District, together with Jon Crawford, District Board Member, and Ben Killpack, Realtor, came before the Commission. Commissioner Dixie Thompson pointed out that the Southeastern Utah Health District has located a building in Castle Dale in which they would like to purchase and move into. Mr. Angott pointed out that they have \$30,000 which can be used as a down payment. However, they need the Commission to be the purchaser of the building and they would do a lease purchase back from the County. After which time the building would become theirs. The total price for the building is \$99,000. The County is to be the intermediary. The Health District would pay off the building over time through monthly installments. The building would become property of the Health Department. The monies saved would help them in the direct services provided to residents of the County.

Commissioner Dixie Thompson emphasized that the Commission needs to act now. Inquired was if the present tenants would have to terminate their lease. It was pointed out that presently most would be able to stay, but further consideration would be given at the time of renewal of their lease.

After further discussion and question raised as to how best to proceed, Commissioner Mark Justice recognized that this might be a priority project and that the Commission give it due consideration and discussed further in the prioritization of capital projects for 1994.

(18)

#### PRIORITIZATION OF CAPITAL PROJECTS FOR 1994

Although at this time no prioritization of the capital projects for 1994 was made, it was indicated that the softball request of Kelly Alton in the amount of \$6,500 be placed on that list. Also, that the project last year for the new road shop with the addition of a records storage facility be added in the amount of \$300,000. Additions to the Sheriff's building in the amount of \$300,000. Noted was needed repairs at the jail due to damage caused by earthquakes of possibly \$100,000. However, it was pointed out at this time that the first need was in adding the jail repairs was that the county contract with a structural engineer who will inspect the facility and determine the seriousness and what needs to be done. Courthouse lighting is a carry over of \$5,000. Airport projects in the amount of \$17,000. Computer hardware of \$25,000 to \$30,000. The need to remove fuel tanks at the road department.

At this time, Commissioner Mark Justice suggested that rather than prioritizing the projects and considering them at this time, that the Commission immediately proceed with an architectural study of the jail facility in that it involves public safety and liability to the County and suggested that it be the first priority at an approximate cost of \$20,000 followed by courthouse lighting in that it was a priority last year and the softball complex project of Mr. Alton's in the amount of \$6,500.

After further discussion, it was the consensus of the Commission that they leave all of the projects on the list, that they review the County fund balance and determine what monies would be transferred into the capital projects fund and this would help to determine which projects could be completed. It was noted that \$188,500 is all that is presently in the capital project funds.

(19)

#### PRIORITIZE ROAD PROJECTS FOR 1994

This item having been on the agenda was tabled at this time to allow the Commission to tour those roads in order to make a better assessment.

(20)

#### APPROVAL OF LETTER IN SUPPORT OF PILT LEGISLATION

Commissioner Mark Justice informed the Commission that PILT legislation is in congress and that Utah Senators and Congressmen are supporting it. The purpose in placing this on the agenda at this time was to seek approval for the Commission in



signing a letter expressing appreciation and support to those Senators and Congressmen in their efforts to increase PILT monies.

A letter was presented by Commissioner Mark Justice to be signed by the Commission to give thanks and support to the senators and congressmen. Motion to do so was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

(21)

#### EMERY COUNTY'S POSITION REGARDING SCHOOL TRUST LANDS

This item having been placed on the agenda, the Commission pointed out that it was premature to consider this matter at this time.

(22)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) County Attorney - Request is made to approve the appointment of Nancy Orgill to a 3/4 time temporary assignment performing clerical duties for a 9-month period beginning January 20, 1994, and ending October 20, 1994, at a rate of \$6.00 per hour.

B) Road Department - Request is made to approve the appointment of Erwin Osburn to a full-time temporary assignment performing duties equivalent to Equipment Operator I for a 9-month period beginning January 20, 1994, and ending October 20, 1994, at a rate of \$8.16 per hour.

C) Weed & Mosquito Department - Request is made to approve hiring John Sehestedt in a full-time career service position as Weed & Mosquito worker at a Grade 10-A or \$9.25 per hour beginning January 20, 1994.

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the personnel items as presented. Motion was approved by all members present.

(23)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #940001 through and including #940168 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
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1	185 CFM portable air compressor - Road Department	9,950.00	Approved
2	Utility body for 1974 Ford Truck - Communications	4,150.00	Approved
3	Computer hardware - Data Pro.	5,324.00	Approved

Whereupon, motion was made by Commissioner Dixie 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.

(24)

MEETING ADJOURNMENT

Motion was made by Commissioner Dixie Thompson to adjourn the meeting at 9:34 p.m. Motion was seconded by Commissioner Mark Justice and approved by all members present.

ATTEST

CHAIRMAN

ComMin2-2-94

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

February 2, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

The invocation was given by Road Superintendent Rex Funk.

(1)

COMMISSIONERS MINUTES

The minutes of the January 5, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner

Mark Justice to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the January 19, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the minutes as corrected. Motion was approved by all members present.

(2)

PERSONNEL ITEMS - AMENDMENTS TO PERSONNEL POLICY - RESOLUTION 2-2-94A

Personnel Director, Pat Snowball presented the following for Commission consideration:

A) Newsletter - It has been recommended to her by the Merit Committee that an Employee Newsletter be done and distributed to County employees. Wherein it would recognize County employees as well as items of interest and comments from the Commission and others. She requested Commission support in this effort in which the Commission concurred with the recommendations and requested that she proceed with such a newsletter.

B) County Party - Mrs. Snowball pointed out that August 19 and 20 has tentatively been set for an overnight County party. This is to take place at Indian Creek Campground. She has discussed the liabilities with the insurer and finds that basically there are no problems. She inquired of the Commission if she is to continue to plan the County party. The Commission concurred.

C) Amendments to the Personnel Policy - Resolution 2-2-94A - She discussed with the Commission proposed amendments to the Emery County Personnel policy. The areas covered under the Resolution are also referred to in her memo of September 20, 1993/January 27, 1994. Included were the amendments to Section IX - Fringe Benefits. Wherein, adding paragraph 9 in regards to Family and Medical Leave; paragraph 5 in regards to Maternity Leave as amended; paragraph 7 in regards to Leaves of Absence. That the Policy roman numeral pagination be changed to arabic numeral pagination. That any reference to Administrative Assistant/Personnel Manager or Personnel Technician be amended to read Personnel Director. That probationary period be amended to read orientation period and orientational employee. Also added to Section XII under Employee Conduct is Employee Ethics regarding smoking. Section XIV under Disciplinary Procedures was amended. Section V under Hiring/Rehiring for New and Vacant Positions was amended. Section VIII under Compensation was amended. Section VII as it relates to the Transfer, Reassignment and Promotion was amended.

The original proposed Resolution included a section on making temporary employees eligible to apply for vacancies the same as other Career Service employees by applying in-house. However, Clerk, Bruce Funk objected to this. He advised the Commission that

he felt this was not in the best interest of the public. Therefore, after further discussion, this item was deleted leaving the present policy in tact and that should full-time positions occur, if not filled in-house, that temporary employees would be required to re-apply as other non-Career Service employees would be required. Mrs. Snowball further reviewed with the Commission that the County does not allow advance use of vacation time.

Whereupon, after further discussion, motion was made by Commissioner Mark Justice to approve Resolution 2-2-94A as discussed with the deletion of item #12 as it relates to temporary employees. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### TAKE PRIDE IN UTAH VOLUNTEER DAY - DONATION

Commission Secretary, Leslie Bolinder and Ira Hatch of the U.S. Forest Service who serve on the Take Pride in Utah Committee reviewed with the Commission the activities which would take place on May 7, 1994, on a volunteer basis. Their request of the Commission was for a \$2,000 donation to cover the banquet costs in which they honor the participants. This will take place at the College of Eastern Utah and would be supported by both Carbon and Emery Counties with both Commissions giving \$2,000 each.

At this time, Ira Hatch discussed the projects in Emery County which primarily involve refencing and clean up. This includes areas of Millsite, Joe's Valley, Huntington City, Mexican Mountain, San Rafael Bridge Campground, Buckhorn Draw, The Wedge, the Pageant Site, Huntington Canyon and Huntington State Park.

Whereupon, motion was made by Commissioner Mark Justice to approve the request of \$2,000 to be donated to the Take Pride in Utah Committee as requested with those funds to be taken out of Dues and Contributions. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT - RESOLUTIONS 2-2-94B AND 2-2-94C

Special Service District Manager, Darrel Leamaster presented to the Commission for their consideration Resolution 2-2-94B allowing for annexation of certain areas into the present Service District. He noted that 1980 was the last annexation. Maps were presented showing those portions of each town being annexed into the Special Service District including Clawson and its recent annexation. This would make boundaries of the municipalities and the Special Service District coincide. Whereupon, motion was made by Commissioner Dixie Thompson to accept Resolution 2-2-94B allowing the Castle Valley Special Service District to proceed with the intent to annex those described areas into the Service District. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Mr. Leamaster also requested approval by the Commission of Resolution 2-2-94C which would allow the termination of an escrow account with the Community Impact Board which they no longer need as a result of the refinancing of bonds.

Whereupon, motion was made by Commissioner Mark Justice to approve the request and Resolution 2-2-94C allowing the Special Service District to abandon an escrow account with the CIB. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### ASSESSOR'S BUSINESS - TAX ABATEMENT

Assessor, James Fauver informed the Commission that during the 1992 tax year a computer program doubled any parcel that had both 05 and 04 codes input in the same level of the system. Effort was taken by the Assessor's Office to correct over 800 of these problems. A parcel owned by Richard and Barbara Hymas, Serial Number 3-181-12, Account Number 62706, District 9 was one that was missed. Mr. Fauver requested Commission approval to abate \$44.19 for this parcel.

Motion was made by Commissioner Dixie Thompson to approve abatement of \$44.19 as requested by Mr. Fauver. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(5)

#### DISCUSSION ON EMPLOYEES BECOMING CANDIDATES AGAINST AN ELECTED OFFICIAL

Commissioner Mark Justice asked that this item be put on the agenda for review. He inquired of those present if there were any questions or if there was a need to consider any changes. Provided to the Commission were copies of Resolution 5-1-91C. This Resolution describes the current policy. It was reviewed for those present. After comments were received from those present, it was the consensus of the Commission that the policy remain as written for this year.

(6)

#### DISCUSSION OF THE UNDERGROUND STORAGE TANK ACT

The Commission noted receipt of a letter stating that the county was not in compliance with the underground storage tank act. Road Superintendent Rex Funk indicated at present the County is not in compliance and has received a citation. This having been since December 20, 1993. It was pointed out the need to get the tanks out of the ground and proceed with a closure application.

Whereupon, motion was made by Commissioner Mark Justice to accept the recommendation of Road Superintendent Rex Funk and remove the underground storage tanks and proceed with the underground storage tank closure application. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

#### APPOINTMENT OF BOARD MEMBER TO THE RECREATION SPECIAL SERVICE DISTRICT

Recommended to the Commission by the Ferron City Council was the name of Don S. Petersen, Councilman of Ferron City, to serve on the Recreation Special Service District. He is to complete the term which was held by Dean Behling.

Whereupon, motion was made by Commissioner Mark Justice to appoint Don S. Petersen of Ferron to serve the remaining term of outgoing council member Dean Behling. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### DISCUSSION OF RECREATION SPECIAL SERVICE DISTRICT PROJECTS

Commissioner Mark Justice noted that the Recreation Board as a result of the Public Hearing held two weeks ago will proceed to make application to the Community Impact Board and that the Board will keep the Commission informed as things develop.

Commissioner Dixie Thompson noted that as a result of the Hearing that although they are good projects, that the public has concern in how they would be paid for. Therefore, felt that the public should be allowed to vote on this at the Primary election set for June 28. The ballot could have varying options.

Therefore, motion was made by Commissioner Dixie Thompson to proceed with the recommendation of putting the Recreation Special Service District projects on the June 28 ballot. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(9)

#### PMSI SOFTWARE AND MAINTENANCE AGREEMENTS

Commission Chairman Kent Petersen discussed the PMSI computer software and maintenance agreements. This includes the Justice Court in Green River. He recommended approval of the two contracts. The second contract would be to upgrade the County computer system to the new RISC system under a municipal lease agreement. This would result in a lease payment of \$1,390 per month compared to the hardware maintenance agreement of \$1,256.) The lease would be over the next five years after which time ownership would be that of the County.

However, at this time, Commissioner Mark Justice expressed concern in that as new programs have been added to the County such as the financial system and others which have resulted in increased cost, that there have not been sufficient savings in the PMSI system. However, he would support the Commission in their action.

Therefore, motion was made by Commissioner Dixie Thompson to approve the Agreements, one for the software maintenance agreement and one for the computer upgrade. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(10)

#### EMERY COUNTY NURSING HOME - MEMORANDUM OF UNDERSTANDING

Commissioner Mark Justice noted that the Nursing Home in 1993 shows a profit. In accordance with the Management Agreement those profits are to be split. However, his request of the Commission was to allow the Nursing Home Board to keep up to \$150,000 of their share for their continued use rather than return it to the County General Fund.

Whereupon, motion was made by Commissioner Mark Justice to authorize the Emery County Nursing Home Board to keep up to \$150,000 of Emery County's share of any profits earned for continued operation and improvements of the Nursing Home. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### RUE WARE - TRAVEL COUNCIL REQUEST

Rue Ware of the Castle Valley Travel Council again reviewed with the Commission his previous request for road improvements to Goblin Valley, Sid & Charlie and the Rochester Pictograph Panel. Commissioner Dixie Thompson discussed the problems and the costs association with road improvements on the Goblin Valley road. She indicated that the State Parks and the Department of Transportation, together with Emery County, it appears that no improvements will be done there.

His request of the Commission is for the County to take some action to see that something is done. He recommended input as to prioritization of the projects.

Commission Chairman Kent Petersen noted that the Goblin Valley is probably the largest and most expensive of the projects. Road Superintendent Rex Funk anticipated that costs would run approximately \$2.5 million. Discussed was the economic development benefit and that Green River does receive some from Goblin Valley.

Commissioner Mark Justice recommended the County select one of the projects in an effort to accentuate and that would be a step in the right direction. His request of the Commission would be to give support to one of these in some degree. Commission

Chairman Kent Petersen recommended that the Rochester Panel would be his first recommendation. He recognized that it would be the easiest to fix up outside any legal problems. He recommended that these roads be brought up in the prioritization of the County roads.

Mr. Ware indicated his favorable response from the BLM on such a project. Road Superintendent Rex Funk noted that this particular road could be improved and upgraded by the County road crews.

Therefore, motion was made by Commissioner Mark Justice to authorize the Road Department to proceed with improvements of the Rochester panel road as part of the regular road maintenance program. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Rue Ware indicated he would work with the BLM in an effort to see what can be done as far as signing of the trails. He will also work with Road Superintendent Rex Funk. Estimated costs to the County for the project is anticipated at approximately \$40,000.

(11)

#### PRIORITIZATION OF ROAD PROJECTS FOR 1994

The Commission reviewed the list of roads in the County which have anticipated needs and their associated costs as follows:

##### County Road Jurisdiction:

1. Buckhorn Draw - Reconstruction - 900' - \$ 70,000
2. Millers Canyon - Pavement Overlay - 5 mi. - \$375,000
3. Bott Lane - Reconstruction - 6,000' - \$450,000
4. Eden Spur Bridge - Reconstruction - \$150,000

##### School Bus Routes - Emery County Special Service District #1 Jurisdiction:

1. Ferron Bench Road - Recon & Realign - 4,600' - \$350,000
2. Molen Road - Reconstruction - 2,000' - \$150,000
3. Dutch Flat Road - Reconstruction - 3,100' - \$200,000
4. Moore Old State - Reconstruction - 19,500' - \$1,360,000
5. Moore Old State - Overlay - 12,000' - \$240,000
6. No. Huntington Loop - Reconstruction - 3 mi. - \$1,100,000
7. North Elmo Loop - Reconstruction - 5 mi. - \$1,850,000
8. Eden Spur - Reconstruction - 3,000' - \$210,000

##### Federally Funded Road - Emery County Special Service District #1 Jurisdiction:

1. Moore to I-70 - Reconstruction - 18 mi. - \$6,650,000



(Federal Participation available at a ratio of 90:10. The County's portion would be approximately \$700,000.)

Other road mentioned as possible projects:

1. Huntington Airport to Cleveland - 18,000' - \$1,300,000
2. Green River Airport Road - 18,000' - \$1,300,000
3. Long Street Extension - 8,500' - \$600,000
4. King's Lane (Green River) - 7,200' - \$500,000
5. Goblin Valley Road - 36,000' - \$2,500,000

It was noted that a number of the roads are school bus routes and it was anticipated that the Emery County Special Service District #1 would take care of these. The third group are the Federally funded roads which would result in a number of years before sufficient funds are available.

Road Superintendent Rex Funk noted that the Road Department has approximately \$350,000 of secondary monies for use on roads. Discussed in addition were a number of roads brought up by Commissioner Mark Justice. Road Superintendent Rex Funk noted that most of those roads are on a regular maintenance which he agreed to furnish to Commissioner Justice a record of maintenance on requested roads.

Commissioner Dixie Thompson suggested prioritization be given to the Buckhorn draw, the landfill and on the Millers Canyon road rather than let it go back to gravel. Commission Chairman Kent Petersen recommended that Millers Flat road not go back to a gravel road. Somehow the County should do minimal maintenance.

Commissioner Mark Justice's recommendations were the Buckhorn Draw, the landfill, the Eden Spur, a minimal attempt to maintain Miller's Flat road and consideration be given to the pageant road.

It was agreed by all present that the Buckhorn receive a number one priority, landfill a second priority and after further discussion the dinosaur quarry road at an anticipated cost of \$100,000 and fourth the minimal improvements on the Miller Flat of approximately \$100,000.

Motion to approve these four as priorities was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### PRIORITIZATION OF CAPITAL PROJECTS 1994

Auditor, Karen Truman advised the Commission that Fund 44 for capital improvements has in it \$225,971. In the fund balance available for appropriation is \$2,893,220. Again discussed were the following: Sheriff building of \$300,000; courthouse lighting of \$5,000; Road Department gas tank removal of \$4,500; Sheriff's office gas tank removal

\$3,500; replacement of above-ground Sheriff's storage tank \$16,000; Kelly Alton softball complex request \$6,500; Road Shop of \$350,000; Storage building \$50,000; Health Department building purchase \$69,000; pavement around Green River Sheriff's facility of \$18,000; painting of roof and trim at Ferron Senior Citizen Center of \$5,000; courthouse interior painting and carpeting of up to \$20,000; Sheriff's department earthquake damage repairs of \$100,000; addition to Sheriff's building \$300,000; Recreation District operating capital \$15,000; Green River golf course of \$100,000; Castle Valley Special Service District septic tank dump facility of \$30,000.

In prioritizing the projects, the Commission concluded that more time would be needed to prioritize the projects based on a determination of those funds the Commission wished to set aside for capital projects. They noted that the total of the above requests is \$1,265,000. It was further recommended that those projects not funded this year be considered for funding next year.

Of importance and needing immediate consideration was the purchase of the health building. County Attorney, Mark Tanner recommended to the Commission the forming of a building authority. This would be a non-profit entity and would authorize this type of transaction which would result in the purchase of the building and leasing it to the health district who would assume ownership at the conclusion of that agreement. He noted that this is created by articles of incorporation which he could prepare for filing.

Whereupon, motion was made by Commissioner Mark Justice to direct the County Attorney's office to prepare the Articles of Incorporation in the formation of a building authority with a commitment by the Commission to fund the purchase of the building for the Health District in the amount of \$69,000. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. These funds are to be taken from the above-indicated fund balance available for appropriation.

(13)

AUDITOR'S BUSINESS

Auditor, Karen Truman presented the following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
4	Computer hardware and installation - Data Processing	20,488.00	Approved
5	Computer hardware, installation and software - Auditor/ Data Processing	11,100.00	Approved
6	36 Sheriff's posse coats - Sheriff's Posse	3,240.00	Approved

She noted the Warrant/Check edit list would be available later today for their consideration.

Whereupon, motion was made by Commissioner Mark Justice to approve the warrant/check edit list upon review by the Commission and all requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### GREEN RIVER JEEP POSSE - DISPOSAL OF FIXED ASSET

Clerk, Bruce Funk presented to the Commission for their consideration a Fixed Asset Disposition form wherein the Green River Jeep Posse has a 1952 GMC Cargo Truck which has not been used in a number of years. They would like to dispose of the vehicle and retain those funds for use in supporting boys to Boys State and girls to Girls State.

Whereupon, motion was made by Commissioner Mark Justice to approve the disposal of the 1952 GMC Cargo Truck as discussed. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### EXECUTIVE SESSION

Motion was made by Commissioner Dixie Thompson to adjourn to Executive Session at 12:51 p.m. Motion was seconded by Commissioner Mark Justice and approved by all members present. Those present during Executive Session were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, Mark Tanner; Clerk, Bruce Funk; Road Superintendent Rex Funk; Road Department Secretary, Carol Ware; and Sheriff, Lamar Guymon. Discussed were the following items: the Buckhorn Road, the Mineral Lease dispute with Carbon County and the Sheriff's Department recorder.

The regular Commission meeting reconvened at 1:14 p.m. with all members present.

(17)

#### MEETING ADJOURNMENT

Motion to adjourn the Commission meeting at 1:15 p.m. was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

ComMin2-12-94

MINUTES OF THE SPECIAL MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

February 12, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, Mark H. Tanner; and Clerk, Bruce C. Funk.

Commission Chairman Kent Petersen called the Special Meeting to order at 9:03 a.m.

(1)

EXECUTIVE SESSION

Commissioner Dixie Thompson made a motion to adjourn into Executive Session to discuss personnel matters of the County Attorney's office. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Those present during the Executive Session were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, Mark Tanner; Deputy County Attorney, David Blackwell; Clerk, Bruce Funk and were later joined by Nanette Tanner. Commissioner Mark Justice because of other commitments had to leave the meeting early. Discussed were personnel matters only related to the County Attorney's Office.

(2)

RECONVENE COMMISSION MEETING

Motion to reconvene the Special Commission Meeting was made by Commissioner Dixie Thompson, seconded by Commission Chairman Kent Petersen and approved by all members present at 9:59 a.m.

(3)

COUNTY ATTORNEY - OFFER TO SUBMIT RESIGNATION

At this time, Commission Chairman Kent Petersen recognized the offer and intent of County Attorney, Mark Tanner to submit a detailed resignation as Emery County Attorney to include the effective date. He further directed Deputy Emery County Attorney, David Blackwell to prepare a notice of vacancy of the Office of County Attorney, pursuant to Section 20A-1-509 of the Utah Code, for publication in the Emery County Progress.

(4)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 10:00 a.m. was made by Commissioner Dixie Thompson, seconded by Commission Chairman Kent Petersen and approved by all members present.

ComMin2-16-94

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

February 16, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, Mark H. Tanner; Deputy County Attorney, David Blackwell; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

The invocation was given by Commissioner Mark Justice.

(1)

PUBLIC HEARING - SPOTLIGHT HUNTING ORDINANCE - ORDINANCE 2-16-94A

Commission Chairman Kent Petersen opened the meeting at this time for a public hearing on the proposed Spotlight Hunting Ordinance. He invited any public comment.

Tom Humphrey, Orangeville City Mayor, indicated he was in favor of such an Ordinance in order to get rid of the predators, to help bring back the pheasant population and improve the pheasant hunting conditions. As such, this would help bring up the economy of the County by outside hunters coming to the County because of improved hunting conditions.

At this time, the Commission asked Kevin Peacock to review the proposed Ordinance. He in addition discussed the impact the predators have on pheasants and other types of wildlife. He solicited the Commission in passing the Ordinance.

Clerk, Bruce Funk indicated that the State Division of Wildlife Resources has called and indicated this is one of the best County Ordinances which has been submitted to them in that it addresses all of the issues and concerns and does comply with the Utah Code.

The Commission further asked Sheriff, Lamar Guymon for his comments and feelings in regards to the Ordinance. Sheriff Guymon indicated that he would like to see how it

works for a year and that they are in the process of getting the permits set up. It is an effective tool in knowing who is out there and where they are hunting. This is a help to the Sheriff's department. It was further discussed that one of the problems is that many of the land owners have not understood the Ordinance and the purpose of it. Once they have, most have been in agreement. The Sheriff expressed some concern in the fee charged. Others indicated that they were opposed to those fees going to DWR in their entirety as provided for in the Utah Code.

Dixon Peacock, Orangeville, spoke on a similar program in Rangely, Colorado. He indicated it is very successful.

Assessor, James Fauver encouraged the Commission move to as soon as possible in that he is experiencing losses due to what may be predators.

Jay Mark Humphrey, Orangeville, noted that this is the most positive effort that can be done with the least amount of public monies spent.

Clerk, Bruce Funk recommended to the Commission that in consideration of the Ordinance and in light of possible needs to amend the fee structure and such that possibly the Ordinance allow for amendments to it by Resolution.

At this time, Commission Chairman Kent Petersen inquired if there were any other comments. There being none, closed the public hearing at approximately 6:35 p.m.

Motion was made by Commissioner Dixie Thompson to adopt the Spotlight Hunting Ordinance No. 2-16-94A with an appropriate fine schedule. Said Ordinance allows for modification by Resolution. Commissioner Mark Justice agreed to second the motion providing Commissioner Thompson allow the following modifications to the draft Ordinance: on page 2, third line, that it indicates no more than five be changed to three; in section 3-A, that no more than five permits be changed to read no more than five permits of the total 50 permits; page 3, section 3-D, that it include the wording that denial of application or any other just cause may be appealed to the Justice Court; Section 4-B, that it include the names of each of the towns including those which are unincorporated such as Moore and Lawrence; Section 8, under penalties, the sum up to \$1,000 or according to the fee schedule. Commissioner Dixie Thompson agreed to amend her motion to include these changes. Those in attendance also concurred. Therefore 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 #940337 through and including #940527 for payment. Commissioner Mark Justice noted that included in the Warrant list was a payment of \$1,828 for a sound system for the museum, this for public information.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
7	Chair - Commission Office	340.00	Approved
8	6.5 A-Bec System - Road	1,586.00	Approved

Motion was made by Commissioner Mark Justice to approve the warrants for payment and the requisitions for purchase. Motion was seconded Commissioner Dixie Thompson and approved by all members present.

(3)

#### COMMISSION MINUTES

Commission Chairman Kent Petersen noted at this time that approval of the previous Commission minutes were inadvertently left off the agenda. However, Commissioner Dixie Thompson requested that the minutes be postponed until the next Commission meeting to allow sufficient time for review.

(4)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Road Department - Request approval to recruit for two temporary positions on an as-needed basis:

1. An individual to perform duties equivalent to Equipment Operator I for a 9-month period beginning March 1, 1994, and ending December 1, 1994, at a rate of \$8.16 per hour.

2. An individual to perform clerical duties on a temporary basis beginning March 1, 1994, and ending based on the need of the department but no later than December 1, 1994, at a rate of \$6.00 per hour.

Personnel Director Pat Snowball noted that she has been requested to advertise for the above positions. She noted further that some departments do advertise for temporary employees and some do not. She recommended that the Commission specify. Whereupon, motion was made by Commissioner Mark Justice to approve the request for two temporary positions in the Road Department with the stipulation that the County advertise for those positions. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Temporary employees - Commissioner Mark Justice by motion was to authorize the Personnel Director to research and provide to the Commission language to be adopted into the Personnel Policy in regards to temporary employees and their recruitment procedures for temporary positions. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

It was further noted that the County would continue to go through Job Service and that Job Service will advertise all applications. Discussed was whether Emery County's name needed to be on those notices of vacancies. It was the consensus of the Commission that it be included.

B) Road Department - Morris Sorensen - Request for leave of absence without pay by Morris Sorensen was submitted for Commission consideration. Mr. Sorensen has been asked by the Chinese Government to offer assistance with the application of the enzyme product to their roads. The exact dates have not yet been determined, but are scheduled for the last of February through the first of March and would be approximately seven to ten work days. Mrs. Snowball inquired of the Commission since this raises question as to benefits, etc. Mr. Sorensen does not want to cause any gaps in his benefit program.

Road Superintendent Rex Funk encouraged support of the Commission for Mr. Sorensen in participating in this. After further discussion, it was the motion of Commissioner Dixie Thompson to allow Mr. Sorensen to reimburse the County for the County costs incurred while he is away and that the County would continue his benefit program.

C) Insurance -

1. Aggregate Monthly Advance Addendum. This is a protection against excessive claims throughout the plan year from depleting cash reserves within the plan. This will protect the County from having to advance funding in excess of the aggregate during the plan year. This has no effect on the coverage or cost of the plan to the County.

It was the Commission's recommendation that this receive further study.

2. Mrs. Snowball indicated she has been approached by Beltone relative to a plan to assist employees in need of hearing aids. For agreeing to use Beltone exclusively, Beltone will provide:

- Free annual electronic evaluations for employees and their relatives;
- A significant discount on Beltone hearing instruments.

There is no charge for this exclusive agreement. Emery County may choose to, but does not pay anything for the employee who needs hearing aids.

Motion was made by Commissioner Mark Justice to table this matter. He further directed Mrs. Snowball to contact a representative of Beltone noting that we do not provide



assistance for hearing aids and are not interested in doing so, but find out if they are willing to give Emery County an organization discount.

Motion was seconded by Commissioner Dixie Thompson and approved by all members present. The Commission was most opposed to the "exclusive" clause in there.

D) Health Promotion and Wellness Letter - She indicated she recently received in the mail a sample of Top Health, the Health Promotion and Wellness Letter, published by Top Health. The cost of \$2.80 per year per employee for ten issues each year. It has some interesting tips and information about promoting good health. She inquired if the Commission is interested in approving the Personnel Department to fund the subscription for employees.

Motion was made by Commissioner Mark Justice to approve Mrs. Snowball's request. However, the Commission discussed the possibility of Mrs. Snowball soliciting further input from the employees. Therefore, the motion died for lack of a second.

E) Employee Newsletter - As part of the employee newsletter, there will be a section "spotlighting" an employee of the month. Since the newsletter will be published quarterly, there will be three employees "spotlighted" each quarter. "Spotlighted" employees will be randomly chosen by drawing employee numbers from a box. The identity of the employee will not be made until the employee consents to participate in the article. By following procedure, the employee may freely choose whether or not to participate.

(5)

RESIGNATION OF EMERY COUNTY ATTORNEY, MARK TANNER

Commission Chairman Kent Petersen read the letter received from County Attorney, Mark Tanner dated February 16, 1994. Wherein, Mr. Tanner resigns as Emery County Attorney. This is to become effective March 2, 1994.

Whereupon, motion was made by Commissioner Mark Justice to accept the letter of resignation noting that this speaks highly of Mr. Tanner for him to come forth and clear up this matter. The Commission as a whole expressed appreciation that the County has not been left in a difficult situation and that he has served extremely well. He has been punctual in service provided and very effective. The Commission wished Mr. Tanner well. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(Copy of letter of resignation attached to the end of these Commission minutes.)

(6)

APPROVAL OF COUNTY RESURVEY PLATS - RESOLUTION 2-16-94B

Lee Swasey of Johansen and Tuttle Engineering presented resurvey plats to the Emery County Commission for their approval together with Resolution 2-16-94B. Said

Resolution adopts the plats as the official plats of Emery County. Mr. Swasey noted that these resurveys were done in the Clawson area.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the section Resurvey Plats and Resolution 2-16-94B as presented and authorize Commission Chairman Kent Petersen to sign the same. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(7)

#### EMERY COUNTY BUILDING AUTHORITY - HEALTH DISTRICT BUILDING PURCHASE

Realtor Ben Killpack addressed the Commission and reviewed the progress being made on the purchase of a business by the County which in turn would be leased and sold to the Southeastern Utah Health District. He noted that it was understood that possibly a building authority had been created. However, the County Clerk in checking the records has found no record of that. Therefore, Mr. Killpack inquired if the Commission would then proceed based on previous Commission action and that the County would organize a building authority.

Commissioner Dixie Thompson requested the Commission direct Deputy County Attorney, David Blackwell to review the details and prepare the articles of incorporation.

Commission Chairman Kent Petersen questioned the need for a new building as well as what will happen to the present tenants. In response, Gary Angott noted that the health district would eventually own the building, putting the present rent payments into equity. After that time, those additional funds would be able to be used in providing services to the area. It was estimated that completion of payments on the building would be within 3-1/2 to 4 years. It was again noted that the present tenants would remain with review of the lease agreements as they are due.

It was the consensus of the Commission that Deputy County Attorney, David Blackwell review this and that the process be started.

(8)

#### SPONSORSHIP OF AND DONATION TO THE JR. SPARTAN WRESTLING TEAM

Mr. Larry Huntsman addressed the Commission on behalf of the Jr. Spartan Wrestling team. Wherein, it involves approximately 100 kids ages from kindergarten through eighth grade. They are presently located in three locations: Cleveland Elementary, Emery LDS Church and the High School. They have ten coaches. One tournament will be held at Emery High School which the Emery County kids will participate. The coaches have concerns as to liability coverage. Therefore, they requested sponsorship from the County to cover the coaches and a request for funds although they were not specifying an amount at this time.

Whereupon, motion was made by Commissioner Mark Justice in that Emery County sponsor the Jr. Spartan Wrestling program noting there is adequate funds in the Recreation budget. Therefore, he made a motion to contribute \$500 out of that budget. Commissioner Dixie Thompson agreed to second the motion provided that this be reviewed by the Board of Directors of the UAC insurance. Therefore, they directed Personnel Director, Pat Snowball to do so. Therefore, this action would be seconded upon funding and clarification. Motion was approved by all members present.

(9)

#### SOUTHERN UTAH TUMBLING ASSOCIATION

Commissioner Mark Justice noted that LaRae Majors has requested a donation of the County for the Southern Utah Tumbling Association. He noted that it would be hosted in the Carbon/Emery area. There are approximately 200 participants. They would ask for the same consideration which they received last year which was \$200.

Therefore, motion was made by Commissioner Mark Justice to donate \$200 from Dues and Contributions to the Southern Utah Tumbling Association for the Emery County group, the Studio Gym Spinners. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

#### ACTIVE RE-ENTRY - USE OF COUNTY VEHICLES

Lisa Perla was introduced to the Commission. Her request of the Commission at this time was consideration of possibly using the RSVP van or the Senior Citizen's van of the County. Wherein they provide transportation to Provo for those persons needing radiation treatment. They presently have a van available for three days a week. It presently involves approximately 19 people from the Carbon-Emery area in which they travel to Provo for a 15 minute treatment five days a week for six weeks. This service was started in January. They presently do this on Monday, Tuesday and Wednesday. It is free of charge. They have been provided with the free use of a van and gas. Therefore, it was their request that they have authorization to use either the RSVP van or the Senior Citizen van on the other two days each week.

Whereupon, motion was made by Commissioner Dixie Thompson to support the endeavor. Motion was seconded by Commissioner Mark Justice provided that coordination be made with RSVP Coordinator Carolyn Randall and Sr. Citizen program project manager Maughan Guymon. Those costs for fuel would be from the non-department or Dues and Contributions. Motion was approved by all members present.

(11)

#### TREASURER'S BUSINESS

Treasurer, JoAnn Behling advised the Commission that letters have been sent to all property owners whose property tax is delinquent and up for consideration at the May Tax sale. She noted she has received back requests from two parties asking for extensions. She noted this has worked well in the past and the County is not interested in acquiring properties nor taking properties off the tax roles. Those requesting extensions are Wayne and Tammy Allred of Elmo whose pay off at 11-30-94 would be \$2,534.47. The other request is from Robert E. and JoAnn Wetherington of Green River whose pay off at 11-30-94 would be \$2,392.87. It was her recommendation that the Commission approve entering into an extension agreement with these parties.

Whereupon, motion was made by Commissioner Mark Justice to approve the property tax extensions for Wayne and Tammy Allred of Elmo and Robert E. and JoAnn Wetherington of Green River as recommended by Mrs. Behling. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### PLANNING AND ZONING BUSINESS

Planning and Zoning Technician, Bryant Anderson presented the following items to the Commission for consideration:

A) Agreement for general building inspection services - He presented a draft agreement for general building inspector services. This draft was taken from Sanpete County. He noted he has been contacted by Elmo Town to provide inspection services. After review, motion was made by Commissioner Mark Justice to ask Deputy County Attorney, David Blackwell to contact Elmo Town and work together with Bryant Anderson to come up with a recommended agreement and come back to the Commission for consideration and approval. Motion as seconded by Commissioner Dixie Thompson and approved by all members present.

B) Fee Schedule - Mr. Anderson presented to the Commission a proposed building permit and inspection fee schedule as follows:

Building value will be determined by using the ICBO annual "Building Valuation Data" fee chart, the price listed in that chart will be derated to account for lower building costs as specified in the fee chart.

After the value of the building has been determined, the building permit fee will be calculated using the following fee structure:

Building Valuation	Fee
\$1.00 to \$500	\$5.00
\$501 to \$2,000	\$5.00 for the first \$500 plus \$1 for each additional \$100 or fraction thereof to and including \$2,000

\$2,001 to \$25,000                      \$20 for the first \$2,000 plus \$4 for each additional \$1,000 or fraction thereof to and including \$25,000

\$25,001 to \$50,000                      \$112 for the first \$25,000 plus \$3 for each additional \$1,000 or fraction thereof to and including \$50,000

\$50,001 to \$100,000                      \$187 for the first \$50,000 plus \$2 for each additional \$1,000 to fraction thereof to and including \$100,000

\$100,001 to \$500,000                      \$287 for the first \$1,000 plus \$1.50 for each additional \$1,000 or fraction thereof to and including \$500,000

Buildings inspected more than five miles from an Emery County incorporated city will have mileage and the inspector's time added to the regular building permit fee. This additional charge will be added to the regular building permit fee. This additional charge will be added to the initial building permit fee and will be calculated to cover the four usual building inspections; i.e., footing, foundation, four way (framing-plumping-mechanical-electrical) and the final inspection. This additional amount will be paid at the following rate:

- \$20 per hour travel time calculated to and from nearest incorporated town to jobsite. Inspection at jobsite will not be charged unless there is special needs or circumstances.

- Travel expense will be charged at the IRS approved mileage rate. (1994 = \$.29)

Any special or reinspection will be charged at this rate plus any other applicable fees and will be paid for at the time of the inspection, preferably with a company or personal check, paid to the order of Emery County.

However, questions were raised as to the cost for inspections outside the incorporated cities and the rate per hour charged to those locations.

After review, it was the recommendation of Commissioner Mark Justice that this matter be tabled for further review. The Commission concurred with his recommendation.

B) Planned Seasonal Home Developments - Mr. Anderson presented to the Commission for their review a draft of the planned seasonal home developments. Wherein, outlining the permitted uses as well as design criteria and improvement requirements. Wherein, each seasonal home would be a total of 80 acres, 75 deeded to the open space and five acres to build on. Discussed were the water rights. Septic tanks will have to be pumped and hauled.

After further discussion, motion was made by Commissioner Mark Justice to approve the plan in concept based upon a public hearing. This public hearing was set for March 16. Wherein, authorizing Planning and Zoning Technician, Bryant Anderson to notice the meeting up at that time. Also discussed was opposition expressed by the Huntington/Cleveland Irrigation Company and the need to involve them at this public hearing. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

C) Regulation Changes within Zones - Mr. Anderson pointed out that the primary zoning of Emery County is A-1 Agricultural and within that it allows a number of permitted uses. Some of which require a site plan approval. He suggested to the Commission that changes be made to the A-1 zoning which would include approval by the Planning and Zoning Administrative Board. Commissioner Mark Justice recommended that this be given further consideration after a public hearing and that it also be set up for public hearing on March 16.

D) Project 2000 and Comprehensive Plan - Mr. Anderson advised the Commission that the Project 2000 together with the Emery County Comprehensive Land Use Plan has been discussed with the Planning and Zoning Administrative Board. He described the first public input meeting which is set for March 3. The Planning and Zoning Committee has put together a list of people for that Plan Advisory Committee. However, they would like to contact them by phone as to willingness to serve and then present their names to the Commission. He provided to the Commission a time table, objectives and a general plan for these projects.

Motion was made by Commissioner Dixie Thompson to approve the planning and zoning, proceeding with the recommended projects and that they advise the Commission of those names being considered to that committee. However, at this time Commissioner Mark Justice noted that this project is of vital importance to the County and that the Commission should give greater direction as to those persons serving on that Committee. This is extremely important to the people. The Commission needs to approve the names prior to appointment. Therefore, in seconding that motion, it was agreed by the Commission to include the scheduling of a meeting by Commission Secretary, Leslie Bolinder at which time those names would be reviewed by the Commission for consideration and appointment. Motion as approved by all members present.

(13)

#### GREEN RIVER REQUEST OF JUSTICE COURT JUDGE

Commissioner Mark Justice noted that the Commission has received a request from the Green River Mayor. The Mayor is requesting Emery County Justice Court Judge Betty Burns to serve as the Green River City Justice Court Judge. At this time, the Commission asked Justice Court Judge Stan Truman to review what is presently done with other cities within the County. Judge Truman indicated that the County is doing the

city citations as part of the County and the County keeps all of the fines. He pointed out that the Utah Code does allow them to serve both positions, but that the Judicial Council would have to approve the facilities, clerical personnel and other items. He further noted that there is presently no law enforcement contract with Green River. However, he could see benefit wherein Green River lies in both Emery and Grand counties.

Therefore, motion was made by Commissioner Mark Justice that this matter be tabled and asked that the Deputy County Attorney, David Blackwell together with Judge Burns and others meet with Green River City to discuss this matter further. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

#### EMERY COUNTY CENTENNIAL COMMITTEE - POSTAGE MACHINE

Discussed was the request from the Emery County Centennial Committee for use of the County's postage machine. Treasurer, JoAnn Behling also recommended that in so doing that the Commission authorize use of the bulk mailing stamp. Motion was made by Commissioner Mark Justice to approve the use of the postage machine and the bulk mail stamp by the Emery County Centennial Committee. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. Costs are to be taken out of the non-departmental fund.

(15)

#### EMERY COUNTY LANDFILL

Road Superintendent Rex Funk at the request of the Commission reviewed the needs at the Emery County Landfill. These were outlined in his memo to the Commission of February 1, 1994. Wherein, he proposed an additional person be hired on the landfill, which is required of those landfills with a capacity of less than 15,000 tons per year, hours be posted, the public be educated, the attendants be on duty and the landfill be open in the winter months 10 hours daily and in the summer months 12 hours. This is a Class 4 landfill. Consideration be given by the Commission as recommended by Tacoma. Wherein, the month of March is designated as Emery County Waste Awareness month, setting a date for the public meeting on the landfill and authorize the spending of monies in the public education program.

Whereupon, motion was made by Commissioner Mark Justice to authorize the hiring of an additional employee to work at the landfill, that the Commission set a public hearing date of April 20 and authorize Tacoma Company up to \$1,000 to be spent directly on the public education campaign. June 1 is set as the tentative implementation date and provide to Tacoma a letter of intent to purchase services as they have requested in their memo to Commissioner Mark Justice dated February 15, 1994. This is to include Road Superintendent Rex Funk's recommendation of a seven-day schedule with a two-person crew for the year 1994, recognizing that the County may have sufficient monies for hiring an additional landfill employee in that they may be able to excavate their own pits.

Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Commissioner Mark Justice expressed appreciation to all those who have been involved in working with the landfill.

(16)

#### AMENDMENT TO THE 1993-94 STATE COURT CONTACT AGREEMENT

Clerk, Bruce Funk reviewed with the Commission the 1993-94 fiscal contract for District Court services. Wherein, the County had received \$110,462. He noted that increases in the rate per square foot has been increased from \$8.00 to \$9.06. Therefore, the amended contract is for \$114,434.00. It was his recommendation that the Commission approve the amended contract as presented. Whereupon, motion was made by Commissioner Dixie Thompson to approve the amended 1993-94 State Court Contractual Agreement. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(17)

#### PAYMENT FROM PACIFICORP FOR BOND COUNSEL

This item was on the agenda for Commission action. Clerk, Bruce Funk advised the Commission as to what had happened in previous bond actions with Pacificorp. Wherein, at that time County Attorney, Scott Johansen had received money for work he did on those bonds in that he was a part-time attorney for the County. That had been previously approved by the Commission. It was the consensus of the Commission that they had no objection to payment on this money for the extra work since it was done on Mr. Tanner's own time as part of his private practice. Further, these are not Emery County monies. However, they suggested that Deputy County Attorney, David Blackwell review this matter to make a determination as to what is liable under the law.

(18)

#### PRIORITIZATION OF CAPITAL PROJECTS FOR 1994

At the beginning of the process, it was noted that \$4.6 million is in the unaudited fund balance. It was further recommended that Castle Dale City received \$20,000 for maintenance and operation at the swimming pool at Castle Dale. The following items were prioritized: courthouse lighting - \$5,000; Road Department - \$4,500; Sheriff Department gas tank removal - \$3,500; Sheriff Department above ground storage tank - \$16,000; softball complex (Emery High) - \$6,500; Road shop - \$350,000; storage building - \$50,000; purchase health building - \$69,000; pavement at Sheriff's building at Green River - \$18,000; Sr. Citizen roof and paint in Ferron - \$5,000; courthouse paint and carpet - \$20,000; Sheriff Department earthquake damage repairs - \$100,000; Recreation District - \$15,000; Green River golf course - \$100,000; CVSSD septic tank dump facility - \$30,000.



Motion was made by Commissioner Mark Justice to approve the above list which excludes two items for the Sheriff's department at \$300,000 each and include the Castle Dale Swimming Pool of \$20,000 and that a public hearing be set for March 16 on the budget for the capital projects. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

#### CINDY OSTLER - OUTLAW TRAIL HISTORY

Commission Chairman Kent Petersen reviewed that the Commission had previously been requested by Cindy Ostler for support in doing a documentary for television on the outlaw trail history. Travel Council Director Rue Ware indicated that Ms. Ostler is from California and is after the State Centennial funds and has made a request to the Centennial Commission for those funds.

Therefore, it was the consensus of the Commission and motion of Commissioner Mark Justice to support the writing of a letter by the Commission to the Utah Centennial Commission indicating that Emery County does support such a documentary although they do not agree that Centennial funds should be spent in California. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(20)

#### STATE TRAILS MASTER PLAN

Commission Chairman Kent Petersen noted that he has received a letter from the State of Utah Parks and Recreation inquiring as to the most important trails in Emery County. It was the consensus of the Commission that this matter be given to Planning and Zoning Technician, Bryant Anderson who has been working on various trails in Emery County.

(21)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She reviewed with the Commission letters received wherein several complaints have been made on the excessive speeding of the coal trucks on Highway 31 down Huntington Canyon. Many persons are in fear of those trucks traveling at the rates of 70 and 80 miles per hour. It was her recommendation that a letter be prepared for Commission signature asking the trucking companies cooperation in reducing those speeds. These letters would be sent to CTC and Savage Trucking.

2. She further reported on her trip to Denver. She discussed water rights in the Western Coalition.

Commissioner Mark Justice:

1. He reported on legislation. His participation in Senior Day there. He noted that legislators do a good job and that House Bill 318 has passed the House and is on to the Senate.

Commission Chairman Kent Petersen:

1. He discussed PILT legislation.

(22)

OTHER BUSINESS

A) Bear Canyon Contract - Auditor, Karen Truman presented to the Commission a letter from Ramona Rowley inquiring as to how the position of Little Bear Campground caretaker is filled and requested that it go out for bid.

Whereupon, Commissioner Mark Justice indicated that he would take care of this matter since it involves one of his departments.

(23)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 9:35 p.m. was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

ComMin3-2-94

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

March 2, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; Deputy County Attorney, David A. Blackwell; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

The invocation was given by Clerk, Bruce Funk.

(1)

TAKE PRIDE IN UTAH - COMMISSION RECOGNITION

RSVP Director, Carolyn Randall presented to the Commission a T-Shirt in recognition of their support for the Take Pride in Utah. Wherein, the Commission has contributed funds in support of the participant recognition dinner to be held on May 7.

(2)

#### FERRON SENIOR CITIZEN NUTRITION CENTER - PAINTING BIDS

The Commission asked Clerk, Bruce Funk to open bids received for painting on the Ferron Nutrition Center which covers A) the painting of the roof and B) the green trim. Two bids were received. The first bid was from Mike Mathie of 158 East 200 South, Huntington. Wherein, Mr. Mathie submitted a bid for roof painting as well as the trim, gables and stair painting at a price of \$1,995. The second bid was from B&T Builders and Supply of Clawson. Clerk, Bruce Funk at this time advised the Commission and those present that he is the owner and operator of B&T Builders and Supply. He informed those present that as such he is engaged in the business of paint contracting. Therefore, he read to the Commission the bid from B&T Builders and Supply for preparation and painting of the exterior wood shingles as per work schedule item A in the amount of \$2,864 and B the preparation and painting of the green trim as per work schedule of \$1,842. This is for a combined bid total of \$4,706.

The Commission at this time recognized Mike Mathie as the apparent low bidder. Because of the significant differences in the bids, this would be looked at by Maughan Guymon of the Southeastern Utah Association of Governments together with Commissioner Mark Justice for further consideration.

(3)

#### PREP PLANT - DUST CONTROL AND VISUAL ENHANCEMENT

Val Payne, Sr. Environmental Engineer of Energy West, reviewed the commitment of Energy West at the time of the construction of the first prep plant. The commitment was for control of the dust as well as visually enhancing the area along the County road. He informed the Commission of the difficulties in planting trees because of the mancus shell. Trees would be difficult to maintain.

He further inquired of the Commission if they would consider allowing Energy West to put slats within the fence. Road Superintendent Rex Funk concurred with that suggestion. However, it was recommended that Mr. Payne meet with property owner Ross Huntington and see if this is acceptable to him.

Commission Chairman Kent Petersen noted that the trees, although adding to the visual enhancement of the area, would provide very little dust control. He recommended that the dust control be through control of the particulate pile.

Mr. Payne agreed to discuss this matter further with Mr. Huntington.

Commissioner Mark Justice concurred in the recommendation of Commission Chairman Kent Petersen. Wherefore, at this time, Commissioner Justice made a motion to require slats be placed in the fence to achieve some dust control as well as visually enhance the area. In recognizing the difficulty in planting trees and the liability, this is a feasible alternative at this time. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### TRAIL MOUNTAIN MINE - ROAD ENCROACHMENT

Val Payne, of Energy West, addressed this issue with the Commission. He outlined that Pacificorp bought Trail Mountain Mine in 1992. They are making modifications to the surface facilities. They are connecting the Trail Mountain Mine into the Cottonwood Mine. By map, he showed two proposals under consideration. The coal would then be shipped from Cottonwood. Improvement of such facilities would require a road encroachment permit.

Road Superintendent Rex Funk noted that what is being considered is within the normal encroachment application process. Therefore, it was his recommendation that the Commission go ahead and authorize the encroachment permitting.

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the road encroachment permit. Motion was approved by all members present.

(5)

#### CONSIDERATION OF OIL WELL DRILLING APPLICATION

Planning and Zoning Technician, Bryant Anderson presented to the Commission for their consideration an exploratory oil well drilling application. The location for the site would be south and east of Castle Dale. It has been approved by the Planning and Zoning Committee.

Therefore, motion was made by Commissioner Mark Justice to approve the application as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

#### JUSTICE COURT - REQUEST FOR RELEASE OF COUNTY'S PORTION OF SURCHARGE FUNDS

Emery County Justice Court Judge, Stan Truman informed the Commission that through his research he has now determined how Emery County might go about receiving its allocation of the 85% surcharge funds from fine collection. This by writing a letter to the

Utah Division of substance abuse, requesting that they refund the County's portion of the 85% surcharge funds and that those either be sent to the County or to Four Corners Mental Health. He further recommended that those funds be sent to Emery County. Wherein, Four Corners would bill us for services rendered after which we would reimburse them monthly. This would allow him to monitor those receiving treatment. The Commission should give consideration to any surplus funds that at some future date be applied to an AA program. Therefore, he presented to the Commission a letter for signature outlining the same.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the suggestion of Judge Truman and authorize Commission Chairman Kent Petersen to sign the letter. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(7)

#### BUILDING INSPECTOR SERVICES - ELMO CITY

Planning and Zoning Technician, Bryant Anderson presented to the Commission an Agreement for General Building Inspector Services. Wherein, Emery County agrees to provide to Elmo City general building inspection services. The County shall be entitled to set and collect all fees in regards to the issuance of building permits and inspection services. The fees will be set at 75% of the ICBO valuation fee structure with the County keeping 75% of the fee and Elmo City keeping 25%.

Whereupon, motion was made by Commissioner Mark Justice to approve the Agreement for General Building Services between Emery County and Elmo City. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### APPROVAL AND APPOINTMENT OF COMPREHENSIVE PLAN STEERING COMMITTEE

Planning and Zoning Technician, Bryant Anderson presented the following names for consideration and appointment to the Comprehensive Plan Steering Committee. He indicated that he has yet to contact those persons listed as to their acceptance to serve on this committee.

Tracy Jeffs	Mark Justice	Lewis Stilson
Doyle Jensen	Glenys Sitterud	Ben Coomer
Willis Wilson	Allen Childs	David Hinkins
Dan Baker	Gene Hess	Keith Ware
Bruce McMullin	Ben Killpack	Drew Leroy
J Mark Humphrey	Dennis Worwood	Dean King
David Luchesi	Ron Hodson	Wes Curtis
Colleen Evridge	Penny Dunn	Ira Hatch
Rey Lloyd Hatt	LaMar Guymon	Darrell Leamaster

Rosann Fillmore      Kent Wilson      Raymond Martinez  
Blaine Evans      Janson Branson      Bruce Anderson  
Ron Sanders      Eugene Johansen      Rex Funk  
Carolyn Randall      Craig Johanson      Sylvia Nielson  
Kyle Singleton      Paul Crawford      Maughan Guymon  
Sue Copinga      Valene Wakefield      Julia Foote  
Zora Peacock      Beulah Oveson      Geniel Huntington  
Paula Kunze      Montell Seely

Whereupon, motion was made by Commissioner Mark Justice to approve the names as submitted. This is pursuant to their acceptance of appointment to this committee. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### PACIFICORP PAYMENT FOR BOND COUNSEL

This matter having been discussed in the previous Commission meeting, wherein, Deputy County Attorney, David Blackwell was asked to research this matter as to distribution of funds received by the County Attorney for work done on Pacificorp refunding of bonds. At this time, Deputy County Attorney, David Blackwell informed the Commission that there is no case law in regards to the matter. In checking the statutes, which is also verified with Reed Richards of the Attorney General's Office, that it is not illegal for a County Attorney to receive funds while acting as bond counsel for the County.

Therefore, motion was made by Commissioner Mark Justice, noting that the Commission was aware that Mr. Tanner was doing extra work on his own time in this matter and it did meet with the approval of the Commission that he be paid directly by the third party for those services. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

It was noted that the Commission would revisit this matter to set future policy.

(10)

#### MINERAL LEASE MONEY DISTRIBUTION

The Commission briefly discussed efforts being made in settling the dispute between Carbon and Emery County over the distribution of mineral lease monies collected by Carbon County. It was noted that it is close to signature. It was noted that the Commission needs to make a final decision as to redistribution of mineral lease funds in light of Castle Valley Special Service District request from the last Commission meeting in order to meet for their funding for then specified projects. (Darrel Leamaster later in the Commission meeting advised the Commission that the bond election will not be considered until the November election. Therefore, immediate action is not critical.)

Motion was made by Commissioner Mark Justice to place on the agenda for the April 5 Commission meeting and notify all parties that the Commission will at that time make a

decision as to the distribution of those funds. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

CHANGE OF COMMISSION MEETING DATES

It was discussed that the Utah Association of County's Management Conference is set for April 6, 7 and 8 in Salt Lake City. It was noted that April 6 is a regularly scheduled Commission Meeting. Therefore, motion was made by Commissioner Mark Justice to change the April 6 meeting to April 5 at the same time of 9:00 a.m. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

COMMISSION MINUTES

The minutes of the February 2, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the February 12, 1994, Special Commission meeting were reviewed. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the minutes as presented. Motion was approved by all members present.

The minutes of the February 16, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the minutes as corrected. Motion was approved by all members present.

(13)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #69791 through and including #69930 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
9	Polaroid MP-4 copy camera - Sheriff	4,169.50	Approved
10	Caterpillar wheel loader - Road	237,000.00	Approved
11	Ford Crown Victoria - Sheriff	16,000.00	Approved

Whereupon, motion was made by Commissioner Mark Justice to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

#### PERSONNEL/INSURANCE ITEMS

A) Personnel Director and Insurance Administrator, Pat Snowball introduced to the Commission Gordon Hillier. Mr. Hillier described two amendments which should have been approved last summer in the County health reinsurance coverage. He noted that the reinsurer in reviewing their documents found them unsigned. Therefore, he presented to the Commission for their consideration Amendment #2. Wherein, he discussed the specific reimbursement advancement. After the first \$15,000 has been paid towards a claim, that the reinsurer program kicks in without reimbursement back to them. The County does not have to pre-fund, but may pay an additional \$1,000 of which it would be returned to the County. As to the aggregate monthly advancement, Mr. Hillier advised that this has always been in the plan, but had not been signed.

Whereupon, motion was made by Commissioner Mark Justice to acknowledge and approve the two changes as recommended. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

B) Beltone Hearing Aids - Mr. Kent C. Petersen (this is not Emery County Commissioner Petersen) of Beltone, discussed with the Commission the Emery County employees group plan for Beltone hearing aids. Wherein, an agreement as presented under item #4, the group shall promote Beltone as the exclusive hearing aid provider for the County. This would allow a 15% discount on all retail items. Their services and test are free. They are a nation-wide service. He discussed the benefit to users, warranties, upgrades and finance plans. Commissioner Justice pointed out that the County does not participate in hearing aids and does not wish to, but this is offered only as a savings to employees and families. It was Commissioner Mark Justice's recommendation and motion to approve the agreement, provided that item #4 be amended to promote Beltone only as a preferred provider.

However, after further discussion as to whether a contract was needed and concerns in providing to Beltone a mailing list of the employees, it was therefore, the recommendation of Commission Chairman Kent Petersen to not take any action by the Commission at this time in order to review this matter further. This is to be done with Personnel Director, Pat Snowball as well as the Attorney's office. Therefore, motion died for lack of a second. The Commission concurred with the Chairman's recommendation.

(15)

#### EXECUTIVE SESSION



Motion was made by Commissioner Mark Justice to adjourn to Executive Session at 11:20 a.m. to discuss litigation matters and consideration of applications for appointment to the Office of County Attorney. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Those present during the litigation discussion were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; Deputy County Attorney, David Blackwell; Clerk, Bruce Funk and Sheriff, Lamar Guymon.

Those present during the consideration of applications for County Attorney were Commissioners Mark Justice, Kent Petersen and Dixie Thompson and Clerk, Bruce Funk.

The Commission reconvened its regular meeting at 12:43 p.m. by motion of Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### APPOINTMENT OF COUNTY ATTORNEY

In Executive Session the Commission reviewed applications from all eligible attorneys in Emery County for the position of County Attorney. Also reviewed was a letter from one attorney indicating to the Commission that he would not be submitting an application for that position.

Whereupon, motion was made by Commissioner Mark Justice to appoint David A. Blackwell as Emery County Attorney, effective March 3, 1994, to fill the unexpired term left by the resignation of Mark Tanner. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

#### ROAD DEPARTMENT - FRONT-END LOADER BIDS

Road Superintendent Rex Funk presented to the Commission receipt of three bids for front-end loaders. Those bids received were from Wheeler Machinery Company for a new Caterpillar 980-F wheel loader as outlined, in the amount of \$237,854. The second bid from Rocky Mountain Machinery Company for one Kamatsu WA500-1L wheel loader, in the amount of \$226,907. The third bid from Construction Equipment Associates for a Michigan model L-180 loader for \$207,335. It was Mr. Funk's recommendation based on performance of equipment as well as future resale value that the Commission approve the higher bid from Wheeler Machinery Company for the Caterpillar loader model 980-F in the amount of \$237,854.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the purchase of the Caterpillar model 980-F front-end loader at the price of \$237,854.

Motion was seconded by Commissioner Mark Justice and approved by all members present.

Mr. Funk will prepare a requisition, noting that these funds come from Class B roads.

(18)

BEN KILLPACK - COUNTY BUILDING AUTHORITY

Realtor, Ben Killpack came before the Commission to discuss progress on the creation of the Building Authority. He noted that the owner is ready and would like to close the deal on April 1. Therefore, he would like the Commission to approve the sale. Also discussed was Health Director, Gary Angott's conversations with Commission Chairman Kent Petersen in that there are State Attorney's willing to help out and that the State Law does require the County to provide housing for public health services. Mr. Killpack further pointed out that he would like to make an offer to the owner. However, the Commission pointed out that they could take no action at this time pending the creation of the Building Authority. Upon its creation, only then can they act on such a request.

(19)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:54 p.m. was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

ComMin3-16-94

## MINUTES OF THE REGULAR MEETING

### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

#### HELD IN THE EMERY COUNTY COURTHOUSE

March 16, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David A. Blackwell; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

PUBLIC HEARING ON PROPOSED CHANGES TO SEASONAL HOME DEVELOPMENT REQUIREMENTS

At this time, the Commission opened the meeting for public comment on amending the Emery County Zoning Resolution to change the planned seasonal home development requirements.

Planning and Zoning Technician, Bryant Anderson discussed with those in attendance the present Zoning Resolution. Said Resolution requires large site plan approval with homes clustered in an area and other property remaining for common use. In the draft Resolution, the owners have 80 acres, five acres are owned privately on which the owners can build their home. The other 75 acres are dedicated to open space and owned and managed by the corporation.

At this time, the Commission opened the meeting for public comment.

Lamar Kumer inquired as to why the change in zoning at this time. Mr. Anderson responded in that Planning and Zoning has reviewed it and finds that it is a logical change. This is not a subdivision, but could be considered as a planned development similar to condominiums. Discussed was the area being considered. It was noted it is in the area of the Cleveland Reservoir and Electric Lake. Mr. Kumer suggested that any development requirements should be the same as those requirements in the Joe's Valley area. Possibly 80 acres is too large.

Steven Killpack, attorney who represents the Carson family who are holders of 640 acres, noted that two years ago they began the process under the current regulations, working with the planning staff. They have not yet gotten to where they can request a building permit. He further noted that they do not have any problems with building acreage requirements. They prefer Planning and Zoning's recommendation for the 80 acre concept. They are not interested in a subdivision type.

Richard Fairbanks questioned the potential for year-round living there as well as the possible eventual request for school buses.

Jim Fauver, Emery County Assessor, discussed and recommended that specification as to type of building structures and roads be included in any development. Richard Snowball inquired as to water requirements and the number of shares required. It was noted that these are the same water requirements as in the existing regulations. He further inquired as to awareness of the noxious weed in that a considerable amount of musk thistle is in the area.

Darrel Leamaster, Castle Valley Special Service District Director, later informed the Commission that in further consideration of this matter, the Castle Valley Special Service District would like further input as to the impact. Discussed was concern over sewage disposal. Under the draft resolution, they would be serviced by a sealed waste disposal system.

There being no further comments, Commission Chairman Kent Petersen closed the public hearing on this matter at 6:35 p.m.

(2)

## PUBLIC HEARING ON THE CHANGES IN THE PERMITTING PROCESS IN AN A-1 ZONE

Planning and Zoning Technician, Bryant Anderson briefly discussed the purpose in the changes being recommended to the permitting process in an A-1 zone.

At this time, Commissioner Mark Justice noted that main purpose was to revise the A-1 zone allowing for Emery County advertising signs to promote economic development, also that a commercial venture is considered in each of the two State Parks. It further provides for those permitted non-conditional uses as well as those conditional uses requiring a small site plan and approved by the Planning and Zoning committee as well as those uses requiring site plan approval and final approval by the County Commission.

Mr. Anderson further discussed the 330 foot frontage which originally was part of the frontage requirement for building an A-1 zone. That has been reduced to 20 foot based on previously held public hearings.

Rue Ware inquired as to whether the Commission has had sufficient time to review these proposed changes. It was his recommendation that the Commission further review the draft resolution in that there are a number of concerns which he has within the document as well as the advertisement in the paper noticing up the Public Hearing. The concerns of which he would rather not disclose in an open meeting but would meet with the Commission or others to disclose those.

Commissioner Justice noted that Planning and Zoning has studied this and are making these recommendations.

There being no other public comment, Commissioner Mark Justice recommended to the Commission that the public hearing be closed at 7:04 p.m.

Whereupon, motion was made by Commissioner Mark Justice to table any action on the public hearing regarding the A-1 zone change and the seasonal development and that the items be referred back to planning and zoning. Wherein the concerns may be addressed and reviewed and that the Resolutions be brought back to the Commission at their next meeting for further consideration. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

## SOUTHEAST AREA EXTENSION ECONOMIC DEVELOPMENT AGENT

David Rogers, USU Coordinator for Community Resource Development, provided to the Commission a handout of those services and benefits that they provide. He noted that agriculture and economics are a major part of their economic development. His assignment was to visit and advise the Commission of the hiring of a Southeast Area

Extension Economic Development Agent. This person would be one who could be of service to Emery County in the economic development area.

After further discussion, Commission Chairman Kent Petersen indicated that he liked the program and Emery County would be willing to provide facilities for such a person here in Emery County.

Mr. Rogers indicated that not only would this person serve Emery County, but also Carbon, Grand and San Juan and possibly in the future, Duchesne.

Commissioner Mark Justice encouraged location here in that Emery County has more agriculture than Carbon County.

Mr. Rogers noted that there would be advantages to locating in Price because of the business incubator, the College and the possible future service to the Uintah basin.

No action was taken in regards to this matter.

(4)

**PUBLIC HEARING - CASTLE VALLEY SPECIAL SERVICE DISTRICT  
PROPERTY ANNEXATION**

Special Service District Manager, Darrel Leamaster addressed those present. He noted that on February 2, 1994, the Commission adopted a Resolution to consider withdrawing certain properties from the Emery County Special Service District No. 1 and to further annex additional properties within the city boundaries into the Castle Valley Special Service District. This would make the boundaries of the municipalities and the Castle Valley Special Service District coincide. It also brings in the community of Clawson within its boundaries. He further noted that withdrawal of certain properties from the Emery County Special Service District No. 1 has been discussed and approved by their board.

Commission Chairman Kent Petersen inquired if there were any public comments in regards to this matter. There being none, closed the public hearing on this matter at 7:22 p.m.

(5)

**RESOLUTION 3-16-94A - WITHDRAWING CERTAIN PROPERTY FROM THE  
EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1**

Presented to the Commission was Resolution 3-16-94A. Wherein, said resolution withdraws certain properties from the Emery County Special Service District No. 1.

Whereupon, motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve and adopt Resolution 3-16-94A as presented. Motion was approved by all members present.

(6)

RESOLUTION 3-16-94B - ANNEXING CERTAIN PROPERTY INTO CASTLE VALLEY SPECIAL SERVICE DISTRICT

Presented to the Commission for their consideration at this time was Resolution 3-16-94B. Wherein, said Resolution annexes into the Castle Valley Special Service District those properties previously withdrawn from the Emery County Special Service District No. 1. It also provides for the annexation of Clawson Town into its boundaries. This would make the municipal boundaries and the Castle Valley Special Service District boundaries coincide. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

GREEN RIVER REQUEST OF SUPPORT FROM THE COMMISSION AT THE CIB

Judy Ann Scott, Mayor of Green River, addressed the Commission requesting support from the Commission, establishing the Green River Golf Course as the number one priority project at the Community Impact Board.

Commissioner Mark Justice discussed his meeting with staff of the CIB and felt that in no way would establishing a project as a number one priority eliminate others from being considered such as the Clawson secondary water expansion. Acknowledged were representatives from Clawson at this time who expressed concern in such a prioritization.

Motion was made by Commissioner Dixie Thompson to recommend the Green River Golf Course as the number one priority of the Commission to the upcoming COG meeting with a letter of protest to the CIB. However, at this time, Commissioner Mark Justice noted that he could not second such a motion with a protest. However, he would do so if the letter expressed only concern. He further noted the good relationship that does exist with the CIB would not be in the County's best interest to protest. Commission Chairman Kent Petersen further noted that the commission should be in support of encouraging the funding of both projects. Commissioner Dixie Thompson modified her motion to a letter of concern, with her concern being that she doesn't like Emery County having to prioritize projects being considered by the CIB. Therefore, with this modification, motion was seconded by Commissioner Mark Justice and approved by all members present.

(8)

CONSIDERATION TO OPEN THE EMERY COUNTY GENERAL REVENUE AND EXPENDITURE BUDGET -CAPITAL PROJECTS

Auditor, Karen Truman discussed with the Commission the consideration to open the Emery County Revenue and General Expenditure budget and transfer sufficient monies to cover the capital projects. The list of capital projects to be funded are as follows: Castle Dale Swimming Pool - \$20,000; Courthouse Lighting - \$5,000; Road Department - \$4,500; Sheriff Department Fuel Facility - \$19,500; Softball Complex-High School -

\$6,500; Road Shop - \$350,000; Records Storage Building - \$50,000; Building Authority (Building Purchase) - \$69,000; Sheriff Department Green River Building (Pave Parking Area) - \$18,000; Senior Citizen Building Repairs (Ferron) - \$5,000; Courthouse (Paint and Carpet) - \$20,000; Sheriff Department Building Facilities - \$100,000; Recreation District - \$15,000; Green River Golf Course - \$100,000; and Castle Valley Special Service District (Septic Tank Dump Facility) - \$30,000. However, Castle Valley Special Service District Administrator, Darrel Leamaster advised the Commission that they would not need the septic tank dump facility at the \$30,000. Their Board has decided against that. Therefore, the total contribution from the General Fund would only be \$556,529.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the contribution of \$556,529 from the General Fund to the Capital Projects Fund. This adjustment to be made at a later time when a Resolution can be prepared and other budget considerations will be made. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(9)

#### DISPOSAL OF COUNTY OWNED PROPERTY

Commission Secretary, Leslie Bolinder informed the Commission that the Commission has received two inquiries for purchase of property owned by the County. It was noted that this would be in the best interest of the public. Also discussed was Ordinance 5-5-93A, the Emery County Procurement and Disposal Ordinance.

Whereupon, motion was made by Commissioner Dixie Thompson to start the advertising process noting one piece be abandoned and donated to Cleveland Town since they are the adjacent land owners and have so requested. The other property was requested by Lester and Shawna Minchey, serial no. 1-56-9, with a value of \$45.00. The third piece was in the Polano subdivision at Green River, property serial no. 1-161-8, with a value of \$2,000. These properties having been assessed by Assessor, James Fauver. Commissioner Dixie Thompson's motion was not seconded.

Whereupon, motion was made by Commissioner Mark Justice to begin the process of disposing of these properties in accordance with Ordinance 5-5-93A with the abandonment of that portion adjacent to the Cleveland Town property. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

The Clerk's office was requested to serve proper notice in accordance with Ordinance 5-5-93A to each of the adjacent land owners and posting as required.

#### (10) CREATION OF THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY

County Attorney, David Blackwell presented to the Commission for their approval the Articles of Incorporation of the Municipal Building Authority of Emery County.

Said corporation is being created for the following purposes: 1) To acquire, improve or extend one or more projects and to finance their costs on behalf of the public body that created it, in accordance with the procedures and subject to the limitations of the Utah Code, in order to accomplish the public purposes for which Emery County exists. 2) To do all other lawful things allowed by law for this type of corporation.

The corporation has no members. The corporation has issued no shares of stock nor shall it issue shares of stock evidencing membership.

Three trustees shall constitute the initial governing board of said corporation. These trustees shall be elected and acting Commissioners of the County of Emery. The term of each trustee shall coincide with their elected term of office as an Emery County Commissioner. The initial principal office of said corporation shall be in the chambers of the Emery County Commission in the Emery County Courthouse at Castle Dale, Utah. All appointments to the governing boards of the corporation shall be made, as required, by the Emery County Board of Commissioners in regular session assembled.

The general operation and control of said corporation shall be vested in the Board of Trustees, and said Board of Trustees is, and shall be, authorized to transact the business and exercise the corporate powers of said corporation. The Board of Trustees, under these Articles, and the Board of Directors, under the Bylaws, shall be one and the same body. The officers of said corporation shall consist of the Chairman of the Board of Trustees, the Vice-Chairman of the Board of Trustees, the Secretary of the Board of Trustees, and the Treasurer of the Board of Trustees, each of whom shall be elected by the majority vote of said Board of Trustees. The Secretary and the Treasurer may be one and the same person at the discretion of the Board of Trustees. Said Trustees shall serve without compensation.

The private property of the individual members of the Board of Trustees of this corporation shall not in any wise be liable for the debts, defaults or obligations of the corporation.

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to accept the Articles of Incorporation as presented. Motion was approved by all members present.

(11)

#### BRET MILLS - UPDATE ON TELEVISION AND COMMUNICATION FACILITIES

Communication Technician, Bret Mills reviewed with the Commission the Forest Service Special Use Permit. He noted that it looks okay. It covers only the power lines. He discussed the new FM translators that will be here on about March 25. The translators are for KPRQ to be located on 107.9 and KARB on 106.3. He also discussed efforts being done with San Juan County. Wherein, part of the signal will be diverted so as they may receive KJZZ. The splitting off will reduce the signal strength in Emery County. Also discussed was Emery Town's purchase of five FM translators purchased with money



they had left over from the CIB projects. Discussed was the commercial ventures use of County facilities. It was noted that he has received an inquiry from a cellular telephone company. He noted that this would set any precedence or direction.

Commissioner Dixie Thompson recommended the forming of a committee with Bret Mills and others to bring any suggestions to the Commission.

Whereupon, motion was made by Commissioner Mark Justice to establish a committee to study allowing commercial ventures into County-owned facilities. This be under the direction of the County Sheriff. This is to include Mr. Mills and others as needed. With any recommendations to be reviewed by the County Attorney's office. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### MAUGHAN GUYMON - HOME USE OF COUNTY COMPUTER

Commissioner Mark Justice informed the Commission that in the new offices of the Southeastern Utah Association of Governments, they are no longer have any use for the computer owned by the County and used by Mr. Guymon in that office. It is Mr. Guymon's request that he be allowed to use that computer at his home. He noted there are a number of things already on that computer which would not be transferred to the new system and would be a great benefit to him in continuing his County work at his home. It was noted that the equipment is outdated.

Whereupon, motion was made by Commissioner Mark Justice to authorize Mr. Guymon personal use of the computer as requested. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

#### CASTLE COUNTRY TRAVEL COUNCIL - REQUEST FOR FINANCIAL SUPPORT

Rue Ware, of the Castle Country Travel Council, reviewed a letter received by the Commission. Wherein, Carbon County is keeping 1/3 of their transient room tax for other purposes. Noted was that Carbon and Emery Counties entered into an interlocal agreement wherein they would pool their transient room tax and fund the Castle Country Travel region by funds collected by the Castle Country Travel Council. It was in December of 1993 that they learned Carbon County made a decision to retain 1/3 of those tax monies. Those monies are being funded into their general fund. Discussed were what some of those funds could be used for.

After further discussion, motion was made by Commissioner Mark Justice to continue support by Emery County to fund the Castle Country Travel Council from Emery County's portion of the transient room tax for the year 1994. It was noted that any disbandment of the Castle Country Travel Council would result in the loss of State Travel Council matching funds up to \$20,000 when two counties cooperate together.

Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Also discussed was that in the March 12, 1986, Interlocal Agreement parties were to have served 60 day notice on the affected party of any intent to break away from the agreement. Therefore, it was suggested that a letter be sent to Carbon County, noting that Emery County has not received such a letter indicating their intent to deviate from that agreement and the council bylaws. Noting, that therein, Emery County still plans to fund their portion at 100%.

(14)

#### APPOINTMENT TO EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT

Commissioner Mark Justice noted Cleveland Towns desire to replace their present representative with Darcy Powell on that Board.

Whereupon, motion was made by Commissioner Mark Justice to appoint Darcy Powell as Cleveland's representative on the Emery County Recreation Special Service District Board. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### RICHARD FAIRBANKS - CAR STORAGE

Richard Fairbanks informed the Commission at the request of Castle Dale City, that cars accumulated for use in the school shop be relocated in that the present location is not in compliance with City Ordinances. Mr. Fairbanks informed the Commission that he has been unable to locate a wrecking yard that would handle the cars. His recommendation to the Commission is that they be allowed to store the cars in the fenced area at the landfill. Wherein, students would have access to those vehicles for removal of any parts.

Road Superintendent Rex Funk informed the Commission that he was not in favor of storage of the vehicles at the landfill in that this is a Class 1 landfill and scavenging is prohibited. Further concern was expressed as to the liability this would be to the County and it would encourage vandalism.

Whereupon, motion was made by Commissioner Mark Justice that the County would look into it and see what could be done in cooperation with the school district. In conjunction with this motion, Commissioner Justice volunteered to work with Mr. Fairbanks, the school district and Road Superintendent Rex Funk on a suitable location. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### RECONSIDERATION OF ENERGY WEST'S DUST CONTROL AT THE PREP PLANT

The Commission informed those present that as a result of a previous Commission meeting action wherein dust control measures had been discussed at the Energy West Prep Plant, noting that it has been brought to their attention that Planning and Zoning has been working with Energy West on dust control measures.

Whereupon, motion was made by Commissioner Mark Justice to rescind the previous Commission action and send a letter to Energy West in that the Commission will support the recommendations of planning and zoning which require Energy West to plant and maintain the trees for dust control at the plant prep site. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

#### EMT'S AS COUNTY EMPLOYEES

Commissioner Mark Justice noted that they are not ready to discuss this item at this time. Therefore, would defer any consideration until a later date.

(18)

#### PILT MONEY SURVEY AND SCHOOL DISTRICT REQUEST TO DISTRIBUTE PILT MONEY REVENUES

Commissioner Mark Justice advised those present that the Commission had received a request to distribute portions of the PILT monies to the School District. The Commission, therefore, requested Commission Secretary, Leslie Bolinder to contact each of the Auditors in those Counties receiving PILT monies. She noted that 15 had replied and those who had replied indicated all PILT monies were placed in their County General Fund for general expenses of the County.

Auditor, Karen Truman noted that she has contacted all 29 Counties and that all Counties that do receive PILT monies that none of those are shared with other agencies such as the school district.

Therefore, motion was made by Commissioner Mark Justice that reconsideration of the distribution of PILT monies would not receive further consideration this year, but would remain as budgeted in the Emery County General Revenue and Expenditure budget as budgeted. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

#### PROPERTY TAX PAYMENT FROM CYPRUS PLATEAU MINING

Auditor, Karen Truman informed the Commission that the County is in receipt of a check in the amount of \$115,937 as a result of property taxes from a longwall mine which is on

the Emery County side of the mine. These tax monies received would be apportioned out.

(20)

#### NATIONAL COUNTY GOVERNMENT WEEK

Commission Chairman Kent Petersen is in receipt of a notice from NACO setting April 16 to 23 as National County Government Week. Whereupon, motion was made by Commissioner Mark Justice to set April 16 to 23 as the National County Government week. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(21)

#### COMMISSION MINUTES

The minutes of the March 2, 1994, Commission meeting were asked to held for further review at the next Commission meeting.

(22)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #70094 through and including #70345 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
12	Front entrance doors - Nursing Home	11,000.00	Approved
13	Lift system - Nursing Home	15,857.40	Approved
14	Computer System - Nursing Home	6,000.00	Approved
15	Upright Freezer - Detention	529.95	Approved
16	Printer - Treasurer	982.00	Approved

17 Printer - Road 972.00 Approved Motion was made by Commissioner Mark Justice to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(23)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

A) Auditor/Justice Court - It is proposed to create a new full-time career service position which would put the individual in the Auditor's Office 30 hours each week and in the Justice Court Office 10 hours each week. The position would be governed by each respective job description and wage.

B) Auditor/Justice Court - Jami Luce has submitted her resignation effective May 27, 1994. Submitted herewith is a personnel requisition seeking approval to recruit for the above newly created position, effective April 25, 1994, at a rate of Grade 4, Step A, \$7.21 per hour.

Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the above personnel items as presented. Motion was approved by all members present.

C) Sheriff's Office - Lyle Snow has submitted his resignation effective March 24, 1994. Submitted is a personnel requisition seeking approval to recruit for a Dispatcher I at a rate of Grade 9, Step 1 or \$9.27 per hour effective April 1, 1994. This item was tabled.

D) Library - Paulette Young at the Emery Library has submitted her resignation effective March 24, 1994. Submitted is a personnel requisition seeking approval to recruit for an Assistant Librarian at a rate of \$6.00 per hour effective April 1, 1994. No action was taken by the Commission on this item.

E) Road Department - The department requests approval to appoint Wayne Dull as a temporary Operator beginning March 17, 1994, through December 16, 1994, at a rate of \$8.16 per hour.

The department requests approval to appoint Susan Labbee to temporarily perform clerical duties beginning March 17, 1994, through approximately December 16, 1994, as scheduled by the department. This will be at a rate of \$6.00 per hour.

Motion was made by Commissioner Mark Justice to approve the hiring of Wayne Dull and Susan Labbee in the road department as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

F) Insurance - Submitted for first reading was an Agreement from Beltone. This was not submitted at this time for discussion, only to state that the County has received it and are reviewing it.

G) Policy - Per the Commission's request, She submitted for first reading the Hiring/Rehire policy which incorporates the new advertising policy and the employment

status policy which incorporates the stipulation that temporary workers may not apply for "in-house" recruitment.

H) Recreation Department - The department requests approval to recruit for Recreation Complex Caretaker, effective April 1, 1994, at a rate of \$7.50 per hour. This is a temporary position with no benefits.

Motion was made by Commissioner Mark Justice to approve the rehiring of Rawlin Daniels as Recreation Complex Caretaker in accordance with present policy as discussed. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(24)

#### UTAH POWER ELECTRIC SERVICE AGREEMENT - EMERY COUNTY ROAD SIGN

Presented to the Commission for their consideration was an Electric Service Agreement between Emery County and Utah Power for the County's billboard sign to be located at 1861 North Highway 10 in Huntington. The agreement is for a term of five years to be automatically renewed upon expiration. The fee for the electric service is \$1,685 to be paid at the rate of \$46.81 per month for sixty months beginning with the commencement of service.

Whereupon, motion was made by Commissioner Mark Justice to approve the Electric Service Agreement between Emery County and Utah Power as discussed and authorize Commission Chairman Kent Petersen to sign the same. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(25)

#### EXECUTIVE SESSION

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to adjourn into Executive Session at 9:49 p.m. Those present were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk. Discussed was consideration of the temporary hiring of a Deputy County Attorney.

The regular meeting was reconvened at 10:06 p.m. with all members present.

(26)

#### APPOINTMENT OF A TEMPORARY DEPUTY COUNTY ATTORNEY

Commission Chairman Kent Petersen discussed a proposed agreement to be entered into with Gene Strate for a three-month period from May 15 to June 15. Wherein, he will

handle assigned prosecution. This will allow the County Attorney more time to look for a permanent hire in that position.

Whereupon, motion was made by Commissioner Dixie Thompson to accept the employment contract with Gene Strate at the rate of \$2,000 per month for the period of March 15 through June 15. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(27)

MEETING ADJOURNMENT

Motion was made at 10:09 p.m. by Commissioner Dixie Thompson to adjourn the meeting. Motion was seconded by Commissioner Mark Justice and approved by all members present.

ComMin4-5-94

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

April 5, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:05 a.m.

The invocation was given by County Attorney, David Blackwell.

(1)

BID OPENING - CHIP HAULING

The Commission at this time asked Clerk, Bruce Funk to open bids received for the transportation and handling of road chips from Heckett Slag in Orem, Utah, to ten different locations in Emery County. Three bids were received as follows: Savage Industries, Inc., for \$62,306.10; Sinbad Construction Co., for \$64,760.00; and Kerwin Jensen Trucking for \$54,524.00. It was noted that Savage Industries had not totaled their bid, but it appeared that possibly Kerwin Jensen was the apparent low bidder. Therefore, motion was made by

Commissioner Dixie Thompson and seconded by Commissioner Mark Justice that Commission Chairman Kent Petersen further review the bids with Road Superintendent Rex Funk, authorizing them to accept and award the bid to the low bidder. Motion was approved by all members present.

(2)

#### OPENING OF REQUEST FOR PROPOSAL ON FIXED BASE OPERATOR AT HUNTINGTON AIRPORT

Clerk, Bruce Funk informed the Commission that only one request for proposal had been received. That being from Castle Valley Aviation. Mr. Funk opened the proposal and provided a copy to the Commission. Whereupon, motion was made by Commissioner Mark Justice to acknowledge receipt of the proposal and table any action by the Commission in order to allow them sufficient time to review the criteria and proposal being submitted at this time. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### EMERY RECYCLING PROGRESS REPORT

Don Barney, together with Ron Barney and Grant Tuttle addressed the Commission. Don Barney informed the Commission they now have created eleven new jobs in their recycling and gasification operation. He noted they have received support from the EPA and other agencies in such a proposed facility. At this time, he provided a written report to the Commission. No action was required by the Commission at this time.

(4)

#### SWEARING IN DAVID A. BLACKWELL TO THE OFFICE OF COUNTY ATTORNEY

Clerk, Bruce Funk gave the Oath of Office to David A. Blackwell as Emery County Attorney.

(5)

#### CASTLE COUNTRY TRAVEL COUNCIL TRAVEL ISSUES

Economic Development Director and Board Member of the Castle Country Travel Council, Roseann Fillmore addressed the Commission to discuss the travel issues as outlined by the Carbon County Commission in a news article as well as respond to Carbon County's reduction in funding. Those issues were provided in writing to the Commission as well as read aloud to those in attendance. Wherein, the Carbon County Commission in its 1994 budget allocated \$20,000 of their share of the Transient Room Tax revenues to their General Fund rather than the Travel Council budget. The Carbon County Commission had not notified the Castle Country Travel Council of this action.



In a March 23 meeting, Commissioner Milovich made accusations about mishandling of funds. He indicated that the Travel Council had overspent its \$106,000 budget and had hidden \$7,000 of travel expenses in the subscriptions and memberships fund. She further reported that the actual expenses of the Travel Council is \$127,537 and revenues were \$139,720 or a surplus of \$12,183. She further indicated that all expenditures had been approved by the Travel Council and that the Carbon County Clerk/Auditor office handles the accounting for the Travel Council and warrants had been properly coded.

She further noted that Carbon County has requested resignation of the members of the Travel Council. They want to start with an all new board and hope Emery County will follow suit. They have particular interest Emery County requesting the resignation of Dan Hunter.

Mrs. Fillmore noted the council would welcome an audit of all accounts and further responded to the allegations and requests of Carbon County.

Whereupon, motion was made by Commissioner Mark Justice to approve the response as outlined by Mrs. Fillmore and support the Travel Council in that it appears they have done no wrong. These items are to be further discussed in a meeting later today in which Commissioner Justice and Mrs. Fillmore will meet together with the Carbon County Commission and Travel Council representatives. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

\*\*The written response sent by Mrs. Fillmore is attached and made a part of these minutes.

(6)  
APPROVAL OF SIGN CONTRACTS

Economic Development Director, Roseann Fillmore informed the Commission that the Economic Development Council has received bids for the construction and design of the sign north of Huntington. The apparent low bidders were Derald Oliver for construction of the frame and David Everist from Moab for the design.

Whereupon, motion was made by Commissioner Mark Justice to approve awarding the contract to Derald Oliver for construction of the frame and David Everist for the design. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)  
1994 EMERY COUNTY FAIR ACTIVITIES AND REQUEST FOR FUNDING

Sharon Earl, Emery County Fair Board Chairman, informed the Commission that the Emery County Fair has been set for July 28 through August 13. They have scheduled the rodeo for July 29 and 30 with exhibits August 4 through 7. She discussed problems in housing the exhibits. Her request of the Commission was that funding budgeted for the fair be brought down into the rodeo and fair account. Each event has a budget.

Whereupon, motion was made by Commissioner Mark Justice to allow the funds originally budgeted to be transferred to the fair committee account and that funds be disbursed as such that it is agreeable with the County Auditor and that an accounting be received back from the Fair Committee as to how they spent the funds. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### JOB SERVICE REPORT

Colleen Evridge was not present from Job Service. Therefore, this item was passed.

(9)

#### EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1 - SETTLEMENT OF MINERAL LEASE LAW SUIT WITH CARBON COUNTY

Emery County Special Service District No. 1 Board Chairman Merrill Swasey informed the Commission that all parties have reached a settlement, although no official contracts have been received. The settlement covers 4 mines which have portals in Carbon County but the coal comes from federal mining leases in both counties. The mines are Skyline, Cyprus Plateau, U.s. Fuel, and Valley Camp. Emery County will receive 60% of the mineral lease revenues and Carbon County will receive 40%. When Carbon's share reaches the cap of \$280,000, the funds will be distributed 80% to Emery County and 20% to Carbon County. The \$1.1 million debt will be forgiven by Emery County over a 10 year period. Mr. Swasey further informed the Commission these monies have been budgeted into Economic Development for roads in Emery County. Projects have been based upon anticipated receipt of this money. He indicated those projects are phase four of the Lawrence-Huntington road, the Eden Spur, Cleveland Road and Rilda Canyon, Bench Road in Ferron and the Moore cutoff. He noted that a load-out facility is on hold.

Commissioner Mark Justice complimented the Board in their efforts in working out such an agreement.

(10)

#### HUNTINGTON CANAL - REQUEST FOR MINERAL LEASE MONEY

Lee Lemon and Dennis Ward came before the Commission. Mr. Ward addressed the Commission, noting that their canal company has been impacted by legislation and needed improvements on the system. He noted they do furnish water for recreation and by so doing, lose water by holding it back at the Huntington Reservoir. The coal mines are impacting the water supply. He inquired if mineral lease monies could be used to cement or enclose the main canal which would lessen the impact.

Mr. Lemon noted that water is the back bone of the County and we need to protect it. We need to use these funds on the canals the distribution system as well as encourage conservation.

Commissioner Mark Justice encouraged the use of conservation. He indicated that those effected parties, such as the canal companies and conservation district, need to get together on this issue.

Extension Agent Dennis Worwood discussed the salinity project and its funding. He made a further pitch for water conservation.

Whereupon, motion was made by Commissioner Mark Justice to set up a meeting and invite interested individuals and parties to discuss the issues and possible project and funding. Further discussed was that this be part of the comprehensive plan. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Commission Secretary Leslie Bolinder will contact the parties and establish a date and time. Bryant Anderson further pointed out that it was one of the major concerns of the master plan committee.

(11)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT REQUEST FOR MINERAL LEASE MONIES

Dorr Hansen Board Chairman of the Castle Valley Special Service District, addressed the Commission. He noted that the District Board has considered for some time and discussed at length the anticipated shortfall of funds. This is because of the escalated and increased cost of doing business. They have had no increases since 1986 and that the total length of roads maintained by the District have greatly increased. They have discussed four options for increasing revenues. These having been discussed in previous Commission meetings. One is to obtain 15% of the mineral lease monies. This would result in approximately \$300,000. Secondly, increase water and sewer user fees. This would only increase revenues by \$60,000 per year. If they increase property taxes 1 mil, this would result in approximately \$240,000. The fourth option

would be to curtail service.

It is their recommendation that the Commission consider option number one as the most practical in providing necessary funds for operation and maintenance. He reviewed anticipated tax revenues from Clawson. He noted that operation and maintenance of that system would be many times that amount.

He further noted that the towns should receive direct benefit from those mineral lease monies in that 85% of the population does reside within the city and town boundaries. He pointed out that the County in 1988 had agreed to share those funds when it became legally possible. At that time, the cities objected to all the funds going into one particular service district. His request of the Commission was that this matter be given favorable consideration.

Ray Wareham of Ferron asked for favorable consideration by the Commission.

Commission Chairman Kent Petersen noted that the cities presently benefit from County roads and roads built by the Special Service District No. 1.

Commissioner Dixie Thompson expressed concern in transferring those funds from the Special Service District No. 1, understanding the problems with the Castle Valley Special Service District and their needs. She noted that monies spent by the District No. 1 do provide jobs within the County.

At this time, Commissioner Mark Justice noted it was the intent of the previous Commission and all involved that at the first available time those funds would be split with the Castle Valley Special Service District and the Road Department in that the Castle Valley Special Service District does have multi purpose. He further read Section 17-A-13-30 which outlines ten approved purposes for which those funds can be disbursed. He discussed those monies contributed by Emery County through Mineral lease and those funds received back to the County. This would provide use of capital funds to match grant monies.

Huntington Mayor Ray Martinez noted that it appears the legislature in allowing for these other uses is recommending diversified spending of those funds. The funds in question are for the year 1995.

Whereupon, motion was made by Commissioner Mark Justice to approve 15% of future mineral lease monies for use by the Castle Valley Special Service District. This is to be effective January 1, 1995. Commission Chairman Kent Petersen stepped down and Chairman to second the motion. Therefore, Commissioners Mark Justice and Kent Petersen voted in favor and Commissioner Dixie Thompson voted in opposition.

EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT REQUEST FOR  
15% OF MINERAL  
LEASE MONIES

Commissioner Mark Justice informed the Commission that the Recreation District has authorized an election on the construction of a golf course in Green River, equestrian arena in Huntington and a recreation facility in Castle Dale.

Therefore, it was his motion to approve 15% of the mineral lease monies be made available to the Emery County Recreation Special Service District effective January 1, 1995, subject to the favorable vote for the projects and their funding source in the June 28, 1994, Primary election. The projects and funding source shall be placed on the ballot and the Commission will abide by the decision of the electorate. Wording on the ballot is to be approved by the County Attorney, County Clerk and the Commission prior to the election. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

BLM FREE USE PERMITS

Presented to the Commission for their consideration were two BLM Free Use Permits. These permits are for gravel pits in the Oil Well Draw area and the Cowboy Wash area. Road Superintendent Rex Funk noted that one of the permits is an acquisition of a new pit. Whereupon, motion was made by Commissioner Dixie Thompson to approve the Free Use Permits subject to the Road Department review. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(14)

CONSIDERATION OF A RESOLUTION TO CHANGE THE A-1 AGRICULTURAL  
ZONE

Planning and Zoning Technician, Bryant Anderson presented to the Commission a draft Resolution for Commission consideration. He noted he has met with Rue Ware and has made changes to the document previously submitted to the Commission. However, it was noted that the Commission at this time did not have a copy of one proposed for their review. Whereupon, motion was made by Commissioner Mark Justice to table this matter for two weeks and that a copy be provided to the Commission by next week for their review. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(15)

INSPECTOR COORDINATION BETWEEN CITIES AND THE COUNTY

Planning and Zoning Administrator, Bryant Anderson discussed with the Commission a Council of Government meeting, the Elmo Inspection Agreement in that it has not been received back from Elmo and the need for reciprocating inspection services between the County and towns.

(16)

#### EMERY COUNTY LANDFILL - BUSINESS HOURS AND SETTING OF A PUBLIC HEARING

Road Superintendent Rex Funk briefly reviewed with the Commission the seven day per week landfill schedule. He noted that no consideration had been given to holidays. He asked for direction from the Commission. Whereupon, Commissioner Mark Justice recommended the holiday schedule be discussed in the public hearing set for April 20. Wherein, said public hearing is to discuss the hours and such of the landfill. The Commission concurred, therefore no further action was taken at this time.

(17)

#### APPROVAL OF AGREEMENT FOR DEFERRAL OF TAXES

Treasurer, JoAnn Behling presented to the Commission for their consideration the request of Scott and Donna Emfield who have requested deferral of their taxes at this time. Their request of the Commission was for approval.

Whereupon, motion was made by Commissioner Mark Justice to approve the tax deferral agreement entered into on behalf of Emery County and Scott and Donna Emfield as recommended by Treasurer, JoAnn Behling. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(18)

#### NURSING HOME PROPERTY TAX ADJUSTMENT

Treasurer, JoAnn Behling informed the Commission that in the purchase of property by the County at the Nursing Home that there were two years of taxes outstanding. Her request of the Commission is that she be authorized to adjust and remove those taxes from the tax role.

Whereupon, motion was made by Commissioner Mark Justice to authorize the adjustment as requested by Treasurer, JoAnn Behling. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

## DISCUSSION OF CRITICAL HABITAT FOR ENDANGERED FISH SPECIES ALONG THE COLORADO RIVER AND ITS TRIBUTARIES

Commissioner Dixie Thompson informed the Commission that legislation setting aside habitat for endangered species along the Colorado River affects the Green River and could seriously impact Emery County's water. Any action must be taken by April 20. It was her recommendation and motion to start a law suit to stop any action to be done prior to April 20 and demand an environmental impact statement. This suit to be brought against the federal fish and wildlife. However, after further discussion and review of the articles to which Commissioner Thompson was referring, it was agreed upon by her to amend her motion to investigate only any appropriate action to be taken by the County. This is to be done this coming week thus would allow the County Attorney as well as the Commission to review and discuss this matter with others before making any recommendation. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(20)

## DISCUSSION OF FOREST SERVICE LAW ENFORCEMENT

Commissioner Dixie Thompson briefly discussed the Federal Government and their efforts to exert authority acting as their own law enforcement agency. This could affect the search and seizure of property within their boundaries. Her concern is what is the Forest Service going to do with this authority. It was noted that the Commission's comment period is until April 18.

Commissioner Mark Justice noted that Forest Service law enforcement personnel need to be legally certified and would be required to abide by constitutional guidelines. He welcomes their efforts to enforce law on national forest because the County has only limited resources and their efforts would help to increase public safety.

(21)

## DISCUSSION OF COUNTY-WIDE CURFEW

The Commission briefly discussed the Council of Government's recommendation for a County-wide curfew. Discussed problems of vandalism caused by youth. Orangeville is proposing an Ordinance. Whereupon, motion was made by Commissioner Mark Justice to work with and review with the communities a county-wide curfew. Such discussions include the Sheriff and that this be referred to the County Attorney for further review. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(22)

#### FINANCIAL SUPPORT FOR BROCHURES FOR THE MUSEUM OF THE SAN RAFAEL

Motion was made by Commissioner Mark Justice that the County participate in the purchase of brochures used in promoting the Museum of the San Rafael. This having been reviewed and recommended by Economic Development Director, Roseann Fillmore. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Places and methods of distribution were further discussed, but no action was taken.

(23)

#### DISCUSSION OF THE HUNTINGTON ECCLES CANYON SCENIC BYWAYS PROJECT

Briefly discussed was the Huntington Eccles Canyon Scenic Byways Project. Castle Valley Special Service District Administrator, Darrel Leamaster informed the Commission of concerns for restroom facilities in their location in the Huntington area which is a critical water shed. Also discussed was concern over garbage pickup.

Commission Chairman Kent Petersen noted that the Commission had concerns also as to any restroom facilities being provided and would give this further consideration.

(24)

#### DWR SOUTHEASTERN REGIONAL ADVISORY COUNCIL - HUNT RECOMMENDATIONS

Commissioner Mark Justice reviewed the Southeast Regional Advisory Council summary of state-wide hunt recommendations for 1994. He noted that this council involves Carbon, Emery, Grand and San Juan Counties. He provided to those in attendance the recommendations covering the big game hunts in the region as well as proposed state-wide deer hunting caps. These are a result of public meetings held at Green River.

It was the consensus of the Commission that these be given further consideration at the next Commission meeting. He pointed out that Monty Gee and Jason Branson were in attendance at that meeting.

(25)

#### INSURANCE MATTERS

Commissioner Dixie Thompson advised the Commission of the need to obtain secondary liability coverage on the airport for its operation. Presently the



buildings and physical properties are covered under the present Utah Association of Counties Insurance Mutual. That coverage needs to be obtained for the operation of the facilities and such. Also noted by Commissioner Dixie Thompson was the need to implement a loss prevention plan.

Whereupon, after discussion, motion was made by Commissioner Mark Justice to appoint Clerk, Bruce Funk be the Risk Manager working with Pat Snowball in this capacity. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(26)

#### BUSINESS LICENSE APPROVAL

Presented to the Commission for their consideration was the business license from Ross Wilberg for the business entitled Wilberg Fencing located at Wilberg Wash on Highway 10. The business has been approved by Planning and Zoning Technician, Bryant Anderson. Therefore, motion was made by Commissioner Mark Justice to approve the business license as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(27)

#### COMMISSION MINUTES

The minutes of the March 2 and March 16, 1994, Commission meetings were tabled for further review.

(28)

#### RESOLUTION TO ESTABLISH A CAPITAL REPLACEMENT FUND WITH EMERY COUNTY - RESOLUTION 4-5-94A

County Attorney, David Blackwell reviewed with the Commission the proposed Resolution 4-5-94A. Said Resolution creates a capital replacement fund for Emery County in accord with Section 17-36-16(3) of the Utah Code. The fund is to continue to be funded with transfers from unappropriated fund balance of the Emery County General Fund as deemed appropriate by the Emery County governing body. Such transfers shall not at any time reduce the unappropriated fund balance of Emery County below \$2 million. The capital replacement fund shall be a separate fund from the General Fund and any funds remaining in budgets from the following departments at the year end will be transferred into that capital replacement fund, depending on the cash remaining in the fund at the balance of each year. The departments are: Auditor, Recorder, Clerk, Attorney, Planning & Zoning, Highway, Personnel, Weed & Mosquito, Treasurer, Assessor, Data Processing, Justice Court, Commission, Sheriff, Extension and Motor Vehicle. Purchases from this fund shall be restricted to small equipment and office furnishings. Emery County elected officials must approve expenditures upon a majority vote at the regularly scheduled elected officials

meeting with final approval of the expenditure at the regularly scheduled Commission meeting.

Whereupon, motion was made by Commissioner Mark Justice to approve and adopt Resolution 4-5-94A creating the capital replacement fund therein described. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(29)

APPROVAL OF CATTLEMAN ASSOCIATION DINNER AND EXPENDITURES

The Commission discussed the recently held Cattleman Association dinner wherein the Commission had committed to fund the expenses and door prizes of that dinner. Motion was made by Commissioner Mark Justice to ratify funding the costs of the dinner and door prizes for the Cattleman Association, indicating the approximate cost to be \$1,700 to \$1,800. However, Commissioner Dixie Thompson recommended that the Commission approve expenditures up to and including \$2,000 and that any remaining funds go to the Cattleman Association in support of their efforts in promoting multi-use. Commissioner Mark Justice amended his motion to reflect Commissioner Thompsons recommendations. Whereupon, motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(30)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #70526 through and including #70681 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
18	Post Driver - Road	1,606.00	Approved
19	Xerox Copy Machine - Sheriff	8,275.00	Approved

Whereupon, motion was made by Commissioner Mark Justice to approve the Warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(31)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following Personnel items for Commission consideration:

a) Road Department - Gerry Hatch was hired in a career service capacity in September 1993. He has completed his orientation period successfully and a step increase has been recommended, from Grade 10, Step A or \$9.26 per hour to a Grade 10, Step B or \$9.46 per hour.

b) County Attorney's Office - The department requests approval to recruit for the 3/4 time position which is the standard clerical position for that office. The position is Legal Secretary I, entry level at a Grade 6, Step A or \$7.83 per hour.

c) Library - The department requests approval to make the 3/4 time Branch Librarian position a full time position and allow the part-time position 10 hours per week. If this arrangement is approved, it is further requested that approval be given to begin recruitment for a part-time (10 hours per week) Assistant Branch Librarian at a rate of \$6.00 per hour.

d) Sheriff's Office - Lyle Snow resigned March 24, 1994. Request is made by the Sheriff to replace Lyle. This would be as a Dispatcher at a Grade 9, Step 1 or \$9.27 per hour.

Motion was made by Commissioner Mark Justice to approve items 1, 2 and 3 and to hold item 4 for further review and study. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

e) Beltone agreement - Commissioner Mark Justice made a motion not to approve the agreement and no further action would be required in this matter. The motion was seconded by Commissioner Dixie Thompson and approved by all members present.

f) Cobra benefits to Marianne Pugmire - County Attorney, David Blackwell having researched the request of Marianne Pugmire to an extension of Cobra benefits, provided to the Commission that from his research he can see no option in the law to provide extended Cobra benefits. Whereupon, motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson that insurance benefits under Cobra as requested by Marianne Pugmire be denied. Motion was approved by all members present.

(32)

#### APPLICATION FOR LOW POWER TRANSLATOR

Leslie Bolinder provided to the Commission the application which authorizes

Emery County to purchase and maintain an additional low power translator. This will allow Emery town to receive an additional television channel. Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the application as presented. Motion was approved by all members present.

(33)

#### EXECUTIVE SESSION

Motion to adjourn to Executive Session at 12:33 p.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Mark Justice and approved by all members present. Those present during Executive Session to discuss personnel matters were Commissioners Mark Justice, Kent Petersen and Dixie Thompson, County Attorney, David Blackwell and Clerk, Bruce Funk.

The regular Commission meeting reconvened at

(34)

#### MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting.

ComMin4-12-94

### MINUTES OF THE SPECIAL MEETING

### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

### HELD IN THE EMERY COUNTY COURTHOUSE

April 12, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 11:00 a.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

### DISCUSSION OF CRITICAL HABITAT FOR ENDANGERED FISH SPECIES ALONG THE COLORADO

## RIVER

Commissioner Dixie Thompson discussed the federal fish and wildlife service designation of critical habitat for four fish species located along the Colorado River. They are: Razorback Sucker, Colorado Squawfish, Humpback Chub and Bonytail Chub. Her fear was the possible detrimental effect this could have on those counties and states along the Colorado who are effected as well as ourselves as tributaries. It could threaten our water rights.

Her proposal and motion was that Emery County immediately begin processing legal documents necessary to stop the implementation of the law which is to go into effect April 20, 1994, and require an environmental impact study. This would allow sufficient time to get with other counties, emphasizing it is the duty and right of the Commission to protect the people of the area and the water. To be proactive would be a better position.

Commissioner Mark Justice inquired as to why the State of Utah, Wyoming, Colorado, New Mexico and Arizona as well as other effected counties and the Utah Association of Counties have not taken such action. He also inquired why Emery County is being requested to begin any action. The County should join efforts with someone else. The County Attorney is not present to legally advise the County at this time. We should have the anticipated costs of such a suit. He agrees that there is nothing more important than water, but there is not enough information to make a decision at this time. He would like to further investigate the matter although he does agree to do what ever possible to protect our water rights.

Commission Chairman Kent Petersen, having viewed the federal register notice, indicated he could not see any significant impact to Emery County except at Green River. It appears that it does not directly effect stream flows except control of release of water from major dams. There is no specific reference to the San Rafael River. This may effect development of future water storage facilities. His recommendation is that Emery County join with others in actions, but not lead out in this matter. He does concur with what Commissioner Thompson is saying, but this does need to be a combined effort with upper basin states.

Commissioner Dixie Thompson continued, pleading for action by the Commission. She concluded in that she is amazed that others have not done something.

In an effort to resolve this matter before the Commission, it was agreed that Commissioner Mark Justice would contact other effected parties and then if determined it would be in the best interest of the County to pursue immediate legal action, that he would call an emergency meeting of the Commission to do so. Therefore, motion failed for lack of a second.

(2)

OTHER BUSINESS

A) Forest Law Enforcement - Commissioner Dixie Thompson expressed concern in the Forest Service taking over their law enforcement which has been a County function in the past. Again she expressed a need for agencies notifying the Commission of changes in policy and their impact rather than reading it in the paper.

B) Rilda Canyon Road - Commission Chairman Kent Petersen discussed the Emery County Special Service District #1 together with Energy West are to rebuild the bridge on the Rilda Canyon Road. He inquired if there were any concerns in the County taking over the road to the trail head. Commissioner Mark Justice inquired as to any trade off and that costs need to be identified now and in the future.

(3)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:35 p.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Kent Petersen and approved by all members present.

ComMin5-4-94

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

May 4, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David A. Blackwell; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:04 a.m.

The invocation was given by Clerk, Bruce Funk.

(1)

## COMMISSION MINUTES

The minutes of the April 12, 1994, Special Commission meeting were presented. Motion was made by Commissioner Dixie Thompson to approve the minutes as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

The minutes of the April 20, 1994, Commission meeting were presented. Motion was made by Commissioner Mark Justice to approve the minutes as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(2)

### MOSQUITO ABATEMENT AGREEMENT WITH GRAND COUNTY

Commissioner Dixie Thompson informed those present that she has reviewed the interlocal agreement for mosquito abatement between Emery County and Grand County. Wherein Emery County is to provide mosquito abatement service to all of Green River City, including that portion which lies within the boundaries of Emery County and Grand County. This agreement is for a four-year period. Wherein, Grand County would reimburse Emery County the sum of \$2,193.40 per year. It includes fogging along certain other portions of the Green River and highways as specified therein. She further indicated that Emery County Weed & Mosquito supervisor James Nelson as well as the County Attorney's office has also reviewed the document and find that it is okay.

Therefore, it is her recommendation and motion to approve the Interlocal Agreement with Grand County for mosquito abatement services. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(3)

### ANNEXATION OF PROPERTIES INTO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT - HOLDING A SECOND HEARING - RESOLUTION 5-4-94

Castle Valley Special Service District Manager, Darrel Leamaster came before the Commission and presented to the Commission Resolution 5-4-94. This Resolution is regarding the annexation of certain territory to the Castle Valley Special Service District, Emery County, Utah, describing the boundaries of the territory to be annexed and the services to be provided within the territory to be annexed, providing for holding a second hearing on such annexation, providing for the giving of notice of the holding of such hearing, ratifying certain actions previously taken with respect to such annexation and providing for related matters.

Mr. Leamaster informed the Commission that it is necessary to repeat the process in that in the initial legal notice, a part was left off that advises people that they will pay tax at the same rate as is presently being assessed by the Service District. It also neglected to indicate the location of the hearing. Therefore, their attorney has recommended that they repeat the process and have a second hearing. It was his request that this be set for June 1. The Resolution was presented in written form by Commission Chairman Kent Petersen. Wherein, Darrel Leamaster read the Resolution aloud to those in attendance.

Whereupon, motion was made by Commissioner Dixie Thompson to approve Resolution 5-4-94, authorizing the holding of a second hearing on annexation of properties into the Castle Valley Special Service District as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(4)

#### FOREST SERVICE LAW ENFORCEMENT REGULATIONS

Forest Supervisor, Ira Hatch, together with Don Riddle gave to the Commission a brief overview of the draft proposal on the Forest Service law enforcement regulations. They noted that there is not much of a change. The comment period has been extended to May 18. They provided to the Commission a copy of the draft regulations. Mr. Hatch informed the Commission that Don Riddle is a certified peace officer. Such a regulation does not conflict with the present working relationship with the Emery County Sheriff's office. However, it does allow a Forest law enforcement officer to respond to incidents on the Forest. Many times this will enable them to separate the parties, get the paperwork started and the situation be resolved. He noted that the ban on firearms will not happen and is not part of the proposal. However, it does restrict the use of firearms within the campgrounds and on and off the forest roads. This will address mineral and rock collecting, noise and safety within the campsites as well as public behavior. Those cited for federal violations will go before a federal magistrate.

Commissioner Dixie Thompson again expressed concern in that no prior notification and the impact was given to the Commission. Mr. Hatch responded in that he had received no prior notification himself. He further indicated that the law enforcement would be a separate organization and would not be under local supervision.

Commissioner Mark Justice inquired and asked Mr. Hatch to describe how the agencies would correlate with the Emery County Sheriff's department. To which Mr. Hatch responded.

However, concern was expressed by the Commission that should Mr. Hatch retire,



his replacement may not be as willing to work with the County. They indicated it has been a good relationship for both parties.

Mr. Hatch continued and informed the Commission in regards to range land reform which he noted is out. He asked the Commission to look over that. He discussed briefly that the Joe's Valley project has been put off until 1996. He discussed drilling and mining projects and graveling on the Ferron Mountain. He informed Road Superintendent Rex Funk of the need to do some work on the Ephraim/Orangeville road by the County Road Department. Also discussed were staged burns. He indicated that on May 7 approximately 480 people will arrive to clean up various parts of the County.

(5)

#### IRA HATCH, FOREST SUPERVISOR - ANNOUNCEMENT OF RESIGNATION

Forest Supervisor, Ira Hatch at this time informed the Commission that he greatly appreciated the opportunity of working with the Commission and the people of the area which to him has been a great 36 years of service to the Forest Service. He announced his retirement effective May 13, 1994.

The Commission expressed appreciation to Mr. Hatch for his years of dedicated service to the Forest and the citizens to which he worked with. They indicated what has been most important is the good working relationship with federal managers and local governing bodies.

Whereas, at this time Commission Chairman Kent Petersen, together with the Commission presented to Mr. Hatch from the County a plaque of recognition for his outstanding service.

(6)

#### UPDATE ON EMERY COUNTY TREE PROJECT

Economic Development Director, Roseann Fillmore informed the Commission that \$12,000 had been budgeted for trees. Wherein, residents of the County could receive \$10 off on up to two trees. She noted these trees have been available from Coast to Coast in Castle Dale, RK Gardens in Ferron, Stewarts in Castle Dale and Gordons in Huntington. She further informed the Commission that Gordons has fulfilled their allotment as well as Stewarts. Trees are still available through Coast to Coast. The program is going well. However, there have been problems in getting trees to Green River residents. Therefore, she would like to work on methods of improving that next year. Also discussed was the interest in the communities for trees.

(7)

#### QUIET TITLE ACTION ON RS-2477 ROADS

Commission Chairman Kent Petersen informed the Commission that the BLM is ready to issue proposed regulations on roads within their boundaries. The Commission has not seen or discussed what those proposals are. Therefore, it was his recommendation that the Commission consider filing Quiet Title actions. It was noted that the roads have been identified. The state has given title to the County. A couple of roads need to be selected to base the case upon.

Commissioner Dixie Thompson indicated it is passed time and it is important to do something in regards to these roads.

Therefore, it was the consensus of the Commission and motion of Commissioner Mark Justice to authorize County Attorney, David Blackwell to research the feasibility of such a proposal and report back to the Commission with a recommendation or options. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### STATE CORRECTIONS OFFICE SPACE REIMBURSEMENT

Clerk, Bruce Funk presented to the Commission a proposed amended lease agreement. Wherein, Emery County provides office space to State Corrections at the annual rate of \$7.50 per square foot for a total of 110 square feet for a period of two years. He noted that this was up from the \$7.00 per square foot previously entered into. Commissioner Mark Justice inquired into the fairness of this cost in light of Emery County providing utilities and services. He inquired to the reimbursement the County is receiving on other Court facilities. Wherein, Clerk, Bruce Funk advised the Commission that the

Administrative Office of the Courts has completed a review of all Court locations and this year they are reimbursing Emery County at the rate of \$9.00 per square foot for Court facilities. The Court rate was based on prior year space reimbursement for this office.

Whereupon, motion was made by Commissioner Mark Justice to authorize Clerk, Bruce Funk to negotiate the agreement, indicating it appears the fair market value for space reimbursement is at \$9.00 per square foot. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### TAX ABATEMENT FOR CARBON/EMERY PRODUCERS

Assessor, James Fauver noted that Treasurer, JoAnn Behling, who could not be here at this time, has asked that the centrally assessed taxes on property belonging to Carbon-Emery Producers be abated. He indicated that the company has left the area and that the taxes, interest and penalties amount to \$14.18. It is Mrs. Behling and Mr. Fauver's recommendation to request the Commission to abate those taxes in order to get them off the tax roll.

Whereupon, motion was made by Commissioner Mark Justice to abate the taxes, including interest and penalty in the total amount of \$14.18 on properties belonging to Carbon-Emery Producers. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

APPOINTMENT OF REGISTRATION AGENTS AND JUDGES OF ELECTION

Clerk, Bruce Funk presented to the Commission the following registration agents for the year 1994 and 1995. (1995 is pending the effect of federal mandated motor voter registration.)

#1 EMERY TOWN

Dorothy E. Pulley  
192 No. 2nd East  
  
Emery, UT 84522  
286-2286

#7 CASTLE DALE EAST

Pamala Brereton  
155 East 4th No.  
P. O. Box  
Castle Dale, UT 84513  
381-2244

#2 FERRON SOUTH

Kathy Singleton  
70 South State  
P. O. Box 757  
Ferron, UT 84523  
384-3379

#8 HUNTINGTON EAST

Jane Jensen  
58 So. 200 E.  
P. O. Box 334  
Huntington, UT 84528  
687-2459

#3 FERRON NORTH

Camille Barney  
210 W. 100 No.  
P. O. Box 683  
Ferron, UT 84523  
384-2667

#9 HUNTINGTON WEST

JoAnn Shannon  
261 No. 300 W.  
P. O. Box 720  
Huntington, UT 84528  
687-9114

#4 CLAWSON

Lathella Nielsen  
P. O. Box 64  
Clawson, UT 84516  
  
384-2664

#10 CLEVELAND

Annette Wells  
870 W. 100 No.  
P. O. Box 159  
Cleveland, UT 84518  
653-2256

#5 ORANGEVILLE

#11 ELMO

McKette Allred  
295 No. 200 W.  
P. O. Box 664  
Orangeville, UT 84537  
748-5750

Lucille Willson  
10 E. Main  
P. O. Box 206  
Elmo, UT 84521  
653-2619

#6 CASTLE DALE WEST

#12 GREEN RIVER

Colleen P. Bott  
41 So. 100 W.  
P. O. Box 1041  
Castle Dale, UT 84513  
381-2087

Sandra K. Silliman  
P. O. Box 144  
130 North Solomon  
Green River, UT 84525  
564-3269

Also presented were the following judges of election for the year 1994.

#1 EMERY TOWN: D

Paulette Young	286-2200	Bonnie Graham	286-2457
Margaret Mangum	286-2280	Lanora Johnson	286-2426
Marian Mangum	286-2470	Jane Manchester	286-2393
Denise Childs (alt)	286-2283	Kathleen Que Starr (alt)	286-2246

#2 FERRON SOUTH: R

Evelyn Huntsman	384-2354	Kathy Singleton	384-3379
Barbara McKell	384-2923	Kathy Perkins	384-2540
*Sam Singleton	384-2642	*Jami Luce	384-2986

#3 FERRON NORTH: R

Bertha Blackburn	384-2786	Nellie Smith	384-2387
Paula Lucas	384-3282	Colleen Larsen	384-2999
Barbara Crawford	384-2457	Diane J. Barney	384-2779
Robyn Selin (alt.)	384-3035		

#4 CLAWSON: R

Carolyn Seely	384-2290	Judith Justice	384-2698
Betty J. Hatch	384-3164		

#5 ORANGEVILLE: R

Joyce Staley	748-5165	Jennifer Fauver	748-5559
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Lavon Timothy 748-2262 Sandra Oman 748-2968  
Elda Hinkins 748-2343 Ruth Stilson 748-5459  
RueLane Hinkins (alt)748-5550

#6 CASTLE DALE WEST: D

Seretia Snow 381-2453 Zora Peacock 381-2349  
Leann Snow 381-5460 \*Marianne Judi 381-2094  
M. Elaine Beard 381-5476 \*Deon J. Martin 381-5249

#7 CASTLE DALE EAST: R

Marianne Day 381-2455 Eileen Lofthouse 381-2769  
Ina Lee Magnuson 381-2618 Margaret Fielding 381-2147  
\*Eleanor Blackham John Jorgensen 381-2441

#8 HUNTINGTON EAST: D

Gaylene Larsen 687-9304 Deborah L. Richards 687-2690  
Frances Handley 687-2614 Velma Gardner 687-2289  
LuRene Swinburne 687-2460

#9 HUNTINGTON WEST: D

Ione Pruitt 687-9325 Lesa Miller 687-9497  
Karla Powell 687-2584 Sabrina Ungerman 687-2642  
Joann Shannon 687-9114 Joyce Howard 687-9054

#10 CLEVELAND: D

Cynthia Oveson 653-2990 Karen Nielsen 653-2225  
Darlene Erni 653-2961 \*Shawna Minchey 653-2303  
\*Elva Wayne 653-2367 \*Vernice Wells 653-2259

#11 ELMO: D

Lucille Willson 653-2619 Eva Lou Tucker 653-2508  
Erma Lou Jones 653-2292 \*Venice Golden 653-  
\*Georgena Hansen 653-2322 \*Sally Staker Atwood 653-2667

#12 GREEN RIVER: R

Shirley Ramsay 564-3419 Valerie Newland 564-8237  
Rea Dawn Rowley 564-3387 \*Allene Spadafora 564-3276  
\*Dora Deane Jewkes 564-3274 \*Chris Richards 564-8108

\* Appointed as Judges of Election by County Clerk's office because of insufficient names submitted by party precinct chairs.

Motion was made by Commissioner Mark Justice to approve the Registration Agents and Judges of Election, stipulating that any appointment made by the Clerk's office not be a direct relative of the candidate. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### INCREASE IN DUES TO THE ASSOCIATION OF GOVERNMENTS

Commission Chairman Kent Petersen, who serves on the Board of Association of Governments informed the Commission that the AOG assessment to the County has remained the same since 1976, that being \$2,000 per County. Their request and it having received AOG board approval, is to increase that to \$5,000 per County. It was noted that concern has been expressed from Grand and San Juan in opposition to the increase.

Commissioner Mark Justice noted that the new incubator portion of the building in which the increased utilities for which this request is being made benefits no one but Price City. Although, he would support Commissioner Petersen's recommendation in that any economic development there would be of no benefit to the County.

On recommendation of Commissioner Kent Petersen, motion was made by Commissioner Dixie Thompson to adjust the reimbursement to \$5,000. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Therefore, Commission Chairman Kent Petersen and Commissioner Dixie Thompson voted in favor of it. Commissioner Mark Justice voted in opposition. Motion passed.

(12)

#### UPDATE ON BUCKHORN ARCHEOLOGICAL EXCAVATION

Commission Chairman Kent Petersen informed the Commission that he has received a call from the State Archeologist. They will be in the area between May 23 and 27 to excavate the buckhorn site. BYU will do the analysis. Costs are expected to be within the \$25,000 bond presently in place.

(13)

#### TASK FORCE TO STUDY COUNTY PURCHASING POLICY - REVIEW OF CONTRACTS AND BIDDING RULES

Commissioner Mark Justice noted he put this item on the agenda. He suggested the creation of a task force to study the County purchasing policy. He noted that areas may be outdated. Some areas are not applicable and possibly they need to be changed to reflect present day practices.

Therefore, it was Commissioner Mark Justice's motion to create such a task force for that purpose and to send out memos and invite all elected officials and department heads and set a period of two months to review and come back for a recommendation. That this be reviewed in light of the State Procurement Code. Whereupon, motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Therefore, after further discussion, recommendation was made by Commission Chairman Kent Petersen that such a task force possibly needs to look into contracts entered into by the County such as public defender, custodial and bear canyon grounds keeper, noting that there appears to be a need to look at those and review these with the possibility of establishing bidding rules and time periods.

Whereupon, motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to amend his original motion to include a review of County policies in regards to contract and establish rules and guidelines for those wishing to bid on such contracts. Motion was approved by all members present.

(14)

#### EMERY COUNTY SCHOOL DISTRICT - REQUEST FOR PILT MONIES

Commission Chairman Kent Petersen read a letter received from the Emery County School District. Wherein, they have again requested PILT monies in light of announced increases in PILT monies to be received by the County. Their request was to distribute PILT monies the same way as we do tax monies.

Commission Secretary, Leslie Bolinder noted that from a survey completed with other Counties, those Counties which did respond indicated that they did not distribute any PILT monies as such, but they went into the General Fund.

Auditor, Karen Truman indicated that she had contacted all Counties who receive PILT funds and none of those distributed those other than to the General fund. Therefore, reviewed were the justifications and guidelines for the establishment of PILT monies and the purpose for which they were intended.

Therefore, motion was made by Commissioner Mark Justice to deny the request. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. Commissioner Kent Petersen will respond to the school district.

(15)

## DISCUSSION OF CELLULAR PHONE PURCHASES

Commission Chairman Kent Petersen noted the increased requests for cellular phone service. Discussed by Assessor, James Fauver was that the cellular phone service would proven particularly valuable to himself during the legislative session while he was in Salt Lake. Karen Truman discussed possibly having two phones and that they be checked out. Sheriff Lamar Guymon pointed out that Electronics Technician Bret Mills is reviewing the rates from Comnet as well as Cellular One and would be able to report back with those rates.

Commissioner Dixie Thompson noted that because of the cost, the County should move timidly. She noted that they can get out of hand.

Commissioner Mark Justice noted the great iniquity that could occur depending on those departments which have sufficient monies in their budget. Therefore, he recommended that guidelines be set as to what and who they would be appropriate for.

Motion was made by Commissioner Dixie Thompson to approve purchasing two cellular phones on a check-out basis and authorize those who can purchase to so justify. After further discussion, Commissioner Dixie Thompson withdrew her motion. Her new motion was to create a task force and delay the purchase of any additional cellular phone for two weeks in order for the task force to establish some guidelines. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(16)

## RE-INVENT COUNTY GOVERNMENT COMMITTEE

Commissioner Mark Justice noted that the Re-invent County Government Committee has been working now for approximately six months. They have been doing an excellent job. His concern was that no time table was established for them to report back to the Commission. It was his further recommendation that they present any recommendations prior to budget time.

Therefore, motion was made by Commissioner Mark Justice to set the July 6 Commission meeting for the time in which the committee reports to the Commission. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

## REVIEW OF BUILDING AUTHORITY STATUS

Commission Chairman Kent Petersen inquired as to the status of the newly created building authority. He inquired if Auditor, Karen Truman has had an



opportunity to look at it. She indicated she has not seen anything and as such is not totally comfortable. Commissioner Petersen informed those present that they have signed the earnest money agreement and is close to closing the deal on the public health building. Auditor Truman informed the Commission that there is not a need for an appraisal since the portion of the money the County is putting up is less than the assessed value established by the Assessor's office.

However, discussed was that as a matter of good business practice the health board should solicit an appraisal. It was the recommendation of Commissioner Mark Justice that before the transaction is consummated and completed, that it be reviewed by the County Auditor who will agree in writing and state any objections to the transaction, to which the Auditor agreed.

(18)

#### \$100,000 GREEN RIVER GOLF COURSE PROJECT

Commissioner Mark Justice informed the Commission that approved in the Capital Projects fund was \$100,000 for the Green River Golf Course project. Green River has now requested these funds as well as Grand County's matching funds. Therefore, presented to the Commission under additional claims was a claim and funds have been budgeted.

(19)

#### GREEN RIVER SHERIFF'S OFFICE PARKING LOT PAVEMENT

Commissioner Mark Justice indicated that the County is in receipt of a proposal from G & O, Inc., of Green River, to reshape and compact the Green River Sheriff's Office parking area which consists of about 34,760 square feet. They will furnish, lay down and compact a recycled oil four inches thick as well as install a concrete drain with grill and drain rock for a sum of \$14,800. It was his recommendation that he meet with Emery County Sheriff Lamar Guymon and come back to the Commission later with a recommendation.

Road Superintendent Rex Funk indicated that G & O is an excellent company to work with. The results of the recycled oil have proven excellent in the area. Discussed was the possible addition of a seal coat after application.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the proposal and contract upon review of Emery County Sheriff Lamar Guymon and Commissioner Mark Justice should they find it acceptable. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(20)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #71273

through and including #71443 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
22	Leco fogger - Weed & Mosquito	5,000.00	Approved
23	Rolling ladder - Sheriff	515.95	Approved
24	Global positioning unit - Weed & Mosquito	502.56	Approved
25	Two mobile radios - Weed & Mosq.	1,360.00	Approved

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve all warrants for payment and requisitions for purchase. Motion was approved by all members present.

(21)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel action:

A) Library - Mrs. Snowball requested approval to hire Marian Mangum as Assistant Librarian at the Emery Library with regular part-time status, working 10 hours per week at \$6.00 per hour to begin May 5, 1994. This employee is not eligible for benefits.

Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the hiring of Marian Mangum as presented. Motion was approved by all members present.

B) Resolution Regarding Temporary Employees - It was the recommendation of Mrs. Snowball that no action be taken at this time in regards to a proposed Resolution regarding temporary employees to allow elected officials and department heads to meet and review it further.

(22)

#### COMMISSION REPORTS

The Commission reported on the upcoming Future meeting tonight.

Commission Chairman Kent Petersen:

1. He report on a meeting he and Commissioner Justice attended with the Irrigation Companies and Water Conservancy District. Their recommendation was the need to begin and develop a water plan. This will be under the direction and leadership of the Water Conservancy District.
2. He discussed a previously held Canyon Country Partnership meeting held in Emery County.

(23)

#### PRIORITIZATION OF CLASS B ROAD PROJECTS

The following Class B Road Projects were presented for prioritization: Buckhorn Pictograph, County landfill road, dinosaur quarry road, Miller's Canyon and the South Flat Loop. It was Road Superintendent Rex Funk's recommendation that the South Flat road be placed on the prioritization list in place of the dinosaur quarry road.

Therefore, motion was made by Commissioner Dixie Thompson to approve the following Class B roads as priority projects: Buckhorn Pictograph, County landfill road, Miller's Canyon road and the South Flat Loop. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(24)

#### GREEN RIVER AMBULANCE GARAGE PROPERTY LINE

Sheriff, Lamar Guymon requested that County Attorney, David Blackwell look into the boundary concern which has arisen and make a recommendation to which the Commission concurred.

(25)

#### PLANNING AND ZONING

Planning and Zoning Administrator, Bryant Anderson presented to the Commission five Resolutions together with a notice of publication. He requested that a hearing date be set to consider the proposed zoning changes. Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to set June 1, 1994, Commission meeting to receive public input on the proposed zoning changes and to proceed with the required advertisement. Motion was approved by all members present.

(26)

#### EXECUTIVE SESSION

Motion was made by Commissioner Dixie Thompson to adjourn to executive session at 12:01 p.m. Those present during Executive Session were Commissioners Kent Petersen, Mark Justice and Dixie Thompson, County Attorney, David Blackwell, Clerk, Bruce Funk and Commission Secretary, Leslie Bolinder. Others present during various times were Sheriff, Lamar Guymon; Road Superintendent Rex Funk; and Road Secretary, Carol Ware. Discussed in that meeting was pending litigation.

Regular Commission meeting was reconvened at 12:37 p.m. with the following present: Commissioners Kent Petersen and Mark Justice; County Attorney, David Blackwell; and Clerk, Bruce Funk.

(27)

#### EPA SETTLEMENT

Motion was made by Commissioner Mark Justice to accept the County Attorney's recommendation in accepting the Environmental Protection Agency's option A, authorizing payment now in the amount of \$17,679.52, realizing that possibly later the County could be liable for additional funds. Motion was seconded by Commission Chairman Kent Petersen who stepped down. Motion was approved by all members present.

(28)

#### JOHN WILLIAMS - MISIDENTIFICATION - SETTLEMENT

Motion was made by Commissioner Mark Justice to accept the County Attorney's recommendation and authorize payment of \$280 to Mr. John Williams to reimburse him for expenses in regards to a misidentification. Motion was seconded by Commission Chairman Kent Petersen who stepped down. Motion was approved by all members present.

(29)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting was made by Commission Chairman Kent Petersen at 12:39 p.m. Motion was approved by all members present.

ATTEST

CHAIRMAN

ComMin5-18-94

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

May 18, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice; County Attorney, David A. Blackwell; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:02 p.m.

The invocation was given by Sheriff, Lamar Guymon.

(1)

UTAH POWER AND LIGHT UPDATE

Gene Hess, of Utah Power and Light, introduced Larry Ellertson, who is the Area Manager for Utah Power and Light. Mr. Ellertson updated the Commission in regards to the following: Fred Backum has been appointed as the new CEO of Pacificorp. This position was filled in January. As to the San Rafael properties, they are in the process of refiling the application which will provide for a new public comment period. He noted that Emery County coal is being shipped to a power plant in Washington. In a report recently produced on the low cost generation of electricity, Pacificorp was the third best. The other two having major portions of hydro-electric power. He discussed environmental impact of burning coal and CO<sub>2</sub> and pending legislation which may regulate. Therefore, they are considering tree planting projects. They are also participating in solar and wind projects as well as electric vehicles with possible application in the area. Discussed the purchase of Deseret Generating and Transmission as well as the buy-back of 25% of the Hunter Power Plant owned by DG&T. Also discussed was retail wheeling. Wherein, large consumers can shop the various power producers. They are looking at freon alternatives for their refrigeration and air conditioning. As to the power line from Emery to Grand Junction, which had been a concern of the Commission in its location, he advised the Commission that engineering has looked at another site further South and a letter will be forthcoming to the Commission.

In responding to a question as to the possibility of Unit Four being constructed, he said at some future time it would be, but it is not in the near future. The Hunter site is conducive for a fourth unit, but that no time table has been established.

Commissioner Mark Justice also discussed the possibility of a joint tree project. Also, Commissioner Justice recommended that Pacificorp look at Emery County as a site for wind and solar projects.

(2)

#### CASTLE COUNTRY COUNCIL FOR THE ARTS AND HUMANITIES

Carol Schneider, accompanied by her husband Bill Schneider of Ferron, updated the Commission in regards to the Arts and Humanities Council for Castle Country which consists of Carbon and Emery Counties. Her request was to get Emery County involved. June 13 is election for the Board Members on the Board of Trustees. They would like good participation and representation from Emery County. Pat Johnson is the President. She can be reached at P. O. Box 95, Helper, Utah, 84526, or 472-3321. She also advised the Commission that it is basically a non-profit organization. They do offer a full spectrum of arts and humanities. They are part of the Utah Arts Council. She described the programs offered wherein the Utah Arts Council has described programs offered and possible funding sources that can be considered. However, they were requesting assistance from the County and further consideration at budget time. This does attract business, revitalizes the area and would provide jobs. There is also a need to appoint a Commission representative on that council. She pointed out that from Emery County, Dorothy Taylor and Evelyn Roundy have been appointed on that Council. She provided to the Commission an information pamphlet.

Therefore, it was Commissioner Justice's recommendation that the Commission honor the request and support the Castle Country Council for the Arts and Humanities. However, tabled any action at this time and allow the Commission to meet with the Carbon County Commission as well as take an opportunity to look at an appointee and give it further budget considerations. These issues to be discussed in the June 1 Commission meeting.

(3)

#### ANITA MOULTRIE - APPLICATION FOR BEER LICENSE

Anita Moultrie came before the Commission seeking approval to sell beer at the ABATE annual memorial day activities to be held May 28, 29 and 30 at Poison Springs Bench. It was noted that they have received application and approval through the BLM. Their purpose today was to seek Commission approval to sell at the activity.

Whereupon, motion was made by Commissioner Mark Justice to approve the beer license application to sell on those days provided a completed application form has been filed with the County. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(4)

#### SHARON EARL - REPORT ON COUNTY FAIR ACTIVITIES

Sharon Earl, Fairboard Chairman, reported on the activities associated with the Emery County Fair. Primarily, the discussion centered around questions as to why the Emery County Rodeo Queen Contest set for May 22 was set for the same day as the Carbon County Black Diamond Rodeo Queen Contest. Mrs. Earl noted that the Carbon County one is at 11:00 a.m. The Emery County one is at 4:00 p.m. There would be sufficient time for contestants to participate in both contests. She further expressed concern in that in previous years the Black Diamond Stampede rodeo queen has also participated and become the Emery County Queen, but has been unable to fulfill those obligations expected of the Emery County Queen. Therefore, it was felt by the Fair Board that this would give a more fair opportunity for local participation. In the initial setting of the date there appeared to be questions as to when the Carbon County contest would actually be.

Also presented to the Commission was the tentative plans for the Emery County Fair. It begins with a concert by the Bellamy Brothers on July 27 with other activities up through August 6. Anticipated income from sale of tickets to the Bellamy Brothers concert is \$45,900, with expenses at \$25,756 for a possible net income of \$20,144.

The Commission expressed appreciation to Mrs. Earl for her efforts and that consideration be given next year to avoid contest conflicts with Carbon County where possible.

(5)

#### MAY TAX SALE - RULES AND DATE

Auditor, Karen Truman informed the Commission that the date of May 26, 1994, has been set for the May Tax Sale at 10:00 a.m. There are two parcels for consideration. It is anticipated that one of those will be paid off on May 19. Requested of the Commission was to do the sale the same as in past years. That is that they will sell the property at or above the minimum of the tax penalties, interest and other costs, with any additional receipts above those costs to be remitted to the owner.

Whereupon, motion was made by Commissioner Mark Justice to accept the date of May 26, 1994 at 10:00 a.m. for the May Tax Sale and adopt the rules as recommended by the County Auditor. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(6)

#### RELEASE OF LIEN

County Attorney, David Blackwell presented to the Commission a release of a lien on real property. Wherein, the property owners have asked for a property

tax extension. In so doing, the County had placed a lien on the property. Those taxes, penalties and interest have now been paid on the property. Therefore, there was a need to release the lien. The property owner was Scott D. and Donna Emfield.

Whereupon, motion was made by Commissioner Mark Justice to release the lien placed on the real property of Scott D. and Donna Emfield. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(7)

#### ROAD DEPARTMENT BUSINESS

A) Gas Card Availability in Castle Dale - Road Superintendent Rex Funk reviewed the gas card system. He noted that the Road Department has now had the fuel tanks exhumed. Soil analysis has passed. His concern is that the Road Department still does not have a central gas card location. It needs a high volume load out facility that can handle the large trucks.

He introduced Kim Powell who was in attendance inquiring as to the availability of fuel in the Castle Dale area. Mr. Powell noted that he has talked to Drew Leroy of Food Ranch who is willing to put in the necessary facilities.

However, Rex Funk had additional concerns in the large rigs accessing the highway there. He felt that Mr. Powell needs to honor his commitment to the County in providing such availability in the central area.

Sheriff, Lamar Guymon noted that he needs 24 hour service in Green River. Mr. Powell committed that he would look into this further and respond back to the County.

B) Architectural Services for the New Equipment Facility and Offices - The Commission was informed that the Road Department had sent out letters of request for architectural services to four firms for the design of the new Road Shop facility. He further noted that only one firm had responded. That being Design West who is also doing the architectural work for the Recreation District.

County Attorney, David Blackwell felt that this did meet the requirements of the purchasing policy. He noted that final issuance would be based on cost proposals submitted by Design West.

Whereupon, motion was made by Commissioner Mark Justice to authorize and approve Design West as architects for the Road Shop building. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(8)



## REGISTRATION AGENTS AND JUDGES OF ELECTION TRAINING AND COMPENSATION

Clerk, Bruce Funk informed the Commission of the need to replace McKette Allred in Orangeville as the Registration Agent who has declined because of upcoming summer activities. Therefore, it was his recommendation that the Commission appoint Glenna Sasser of Orangeville to fill that vacancy. Also, it was his recommendation that the Commission approve the compensation to Judges of Election at the rate of \$50 per day and Registration Agents at \$30 per day as has been paid in previous years. Also, to approve light refreshments and mileage expense to the training meetings.

Whereupon, motion was made by Commissioner Mark Justice to approve Glenna Sasser as the Orangeville Registration Agent and approve compensation and training expenses for the Registration Agents and Judges of Election as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(9)

## ORDINANCE VACATING AND ABANDONING A COUNTY ROAD RIGHT OF WAY - ORDINANCE 5-18-

94

County Attorney, David Blackwell presented to the Commission for their consideration Ordinance 5-18-94. Wherein, said Ordinance vacates the existing Emery County road number 306 in Rilda Canyon which does not lie along the description described in the adjudication of 1935. Previously, the Commission had approved the acquisition of the Rilda Canyon County road. Wherein, said Ordinance, Emery County and the C.O.P. Coal Development Company reached an agreement in which C.O.P. will grant a property easement for the existing road alignment and Emery County will vacate and abandon the adjudicated right of way as described in this Ordinance. Also attached was a consent from the C.O.P. Coal Development Company consenting to the vacating of the described property.

Whereupon, motion was made by Commissioner Mark Justice to approve Ordinance No. 15-18-94 vacating and abandoning a County Road Right of Way as described therein. Also included in his motion was the project agreement supplement number 1-94 with the U. S. Forest Service for improvements to be made on the Rilda Canyon Road. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(10)

## RATIFICATION OF PURCHASE OF BUILDING TO BE LEASED TO THE HEALTH DEPARTMENT

Commissioner Mark Justice noted that the purpose this item was on the agenda was to ratify the purchase of the building by the County Building Authority to be leased to the Health Department with an option to buy. He further noted that Auditor, Karen Truman, as requested in the previous Commission meeting, provided a written statement. Wherein she has reviewed documentation and found it to be satisfactory.

Whereupon, motion was made by Commissioner Mark Justice to ratify the purchase of the Ross Huntington building and leasing it to the Health Department with an option to buy. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(11)

#### GREEN RIVER SHERIFF'S OFFICE PARKING LOT PAVING

Commissioner Mark Justice reviewed the previously received estimate from G & O Construction of Green River. Wherein, they were to apply a road mix in the parking lot in an area behind the County Building in Green River. Estimated costs for that project provided by G & O was for \$14,800. He noted that budgeted was \$16,000. He inquired of the Commission and it was his motion to approve the bid and install curb and gutter on the West end by authorizing the additional expenditure of up to \$1200 for cement work. He noted that this would enable them to do more than what was originally planned. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(12)

#### RECREATION DISTRICT PROJECTS AND FUNDING ON THE PRIMARY BALLOT

After discussion, it was the consensus of the Commission that language regarding the projects and funding for the Emery County Recreation District would need to be approved at the June 1 Commission meeting.

(13)

#### CASTLE COUNTRY TRAVEL COUNCIL

Commissioner Mark Justice noted that the Travel Council has met. He pointed out that the Carbon County Commission is going to ask their appointees to resign. It was his recommendation and motion that Emery County not follow Carbon County's actions. Instead submit to those Board members serving from Emery County, a letter of thanks and support and that the County continue full funding of the travel council with transient room tax received by Emery County through the end of the year. Further consideration be given at budget time. Motion was seconded by Commission Chairman Kent Petersen and approved by all

members present.

(14)

#### COUNTY WATER PLANNING GUIDELINES AND FUNDING

Commission Chairman Kent Petersen noted from his meeting three weeks ago in which the Irrigation and Water Companies and other water using agencies of the County met. Therein, the Emery County Water Conservancy District was made the major body to handle the concerns. Each irrigation company needs to look at providing a plan. He further noted that the CIB does get involved in funding water planning projects and could fund up to 50% of those costs.

(15)

#### LANDFILL LICENSING PROCESS

Road Superintendent Rex Funk briefly reviewed at length the progress of licensing the Emery County landfill. He discussed the need for additional manpower at the landfill.

It was the consensus of the Commission that this be put on the agenda for next Commission meeting.

(16)

#### CELLULAR PHONE PURCHASES

Motion was made by Commissioner Mark Justice to authorize the purchase of cellular phones on a pre-approved basis by the Commission and that this further be based on recommendations to be received from Bret Mills of the Sheriff's Department as to which company may be able to provide the better service and rates. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(17)

#### UAC INSURANCE ACCIDENT REVIEW BOARD

From previous discussions earlier this date, it was noted that Clerk, Bruce Funk, together with Pat Snowball and David Blackwell, meet further after reviewing this matter with David Nelson of the Utah Association of Counties Mutual Insurance and have a recommendation for the Commission on June 1.

(18)

#### QUIET TITLE ACTION ON RS-2477 ROADS

Discussed was the need to possibly proceed on a quiet title action on RS-2477 roads. It was recommended that Commission Secretary, Leslie Bolinder set up a meeting between Road Superintendent Rex Funk, the Commission, County Attorney, David Blackwell, and Craig Johansen of Johansen of Johansen and Tuttle.

(19)

#### JUSTICE COURT RECOMMENDATIONS

Commissioner Mark Justice briefly discussed a meeting held with Sheriff, Lamar Guymon, the Justice Court judges of Emery County and the Highway Patrol. He indicated it was very informational. Requested was dual jurisdiction on certain portions of Highway 6 and Interstate 70. It was therefore, Commissioner Mark Justice's motion to direct the County Attorney to investigate such dual jurisdiction on I-70 and Highway 6 and that this be noticed up for the June 1 Commission meeting for further consideration. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(20)

#### AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #71702 through and including #71880 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Item and Description	Amount	Action
26	Laser Printer - Sheriff	1,499.00	Approved

Motion was made by Commissioner Mark Justice to approve the warrants for payment and the requisition for purchase. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(21)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Communications - Request was made to rehire Jeremiah Johnson as temporary/seasonal help in the area of communications. It is proposed he begin June 6 and end approximately September 30, 1994, at a rate of \$5.00 per hour.

B) Weed & Mosquito Department - Request was made to reappoint as temporary/seasonal help the following individuals: Dennis Dooley, Duane Fowler, Lee Moss and Andrew Thompson, beginning May 31, 1994, and ending approximately August 19, 1994, at a rate of \$8.25 per hour.

Motion was made by Commissioner Mark Justice and seconded by Commission

Chairman Kent Petersen to approve the temporary/seasonal requests as presented. Motion was approved by all members present.

C) Zen Majors-Road Department - Road Superintendent Rex Funk informed the Commission that he would like to move Zen Majors to the position of a Crusher Crew Leader. Mr. Majors is presently at an Operator II. The department has not had a supervisor for the crusher and would like to put him in this position which includes a six month probationary period. It was Mr. Funk's recommendation to the Commission that he be authorized to appoint him without going through the five-day advertising period as specified in the personnel policy section 7.3.C. It was further noted that this would move him from a Grade 10 to a Grade 14, typically at a Step N.

Commission Chairman Kent Petersen noted that he had a number of questions and he would like to review it further. He recommended that they follow the policy and that consideration needed to be given to starting him on a Step A.

Whereupon, motion was made by Commissioner Mark Justice that Commission Chairman Kent Petersen meet with Personnel Director, Pat Snowball and Road Superintendent Rex Funk and they be authorized to proceed upon agreement. They are to report back to the Commission at the June 1 Commission meeting to receive approval of their actions. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(22)

#### COMMISSION MINUTES

The minutes of the May 4, 1994, Commission meeting were presented for Commission approval. It was the recommendation of the Commission that these be tabled in order to allow sufficient time for review.

(23)

#### EXECUTIVE SESSION

Motion was made by Commissioner Mark Justice to adjourn to Executive Session at 8:15 p.m. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Those present during executive session were Commissioners Mark Justice, Kent Petersen, Attorney David Blackwell and Clerk Bruce Funk. Because of the shortness of time and the need to be at other locations, it was the consensus of the Commission that they defer any such discussions to a later time. Therefore, the Commission reconvened the regular Commission meeting at 8:16 p.m.

(24)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Mark Justice at 8:16 p.m. and seconded by Commission Chairman Kent Petersen. Motion was approved by all members present.

ATTEST

CHAIRMAN

ComMin6-1-94

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

June 1, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David A. Blackwell; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

PUBLIC HEARING - CASTLE VALLEY SPECIAL SERVICE DISTRICT #1

At this time, Commission Chairman Kent Petersen opened the meeting for a public hearing to receive public comment regarding the withdrawal of certain territory from the Emery County Special Service District #1 and the annexation of certain territory to the Castle Valley Special Service District and related matters.

He then turned the time over to Darrel Leamaster, Administrator of the Castle Valley Special Service District. Mr. Leamaster reiterated the purpose for such a public hearing noting that previously a public hearing had been held for the same purpose. However, because of an error, the notices did not include that properties annexed into the Special Service District the owners would pay the same tax rate without a vote. They would be obligated to pay on the general obligation bonds in the operation and maintenance of the District.

It was, therefore, the recommendation of the Special Service District bond counsel that they repeat the process. Therefore, there are no other changes. The maps originally presented and all properties described remain the same, covering both the annexation and de-annexation of certain properties.

Therefore, Commission Chairman Kent Petersen inquired if there were any public comment or questions. There being none, closed the public hearing at 9:06 a.m.

(2)

RESOLUTION 6-1-94A - WITHDRAWING CERTAIN TERRITORY FROM THE EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1

Presented for Commission consideration was Resolution 6-1-94A. Said Resolution withdraws certain territory from the Emery County Special Service District No. 1 and describes those boundaries.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 6-1-94A. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

RESOLUTION 6-1-94B - ANNEXING CERTAIN TERRITORY TO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT

Presented for Commission consideration was Resolution 6-1-94B. Said Resolution annexes certain territory to the Castle Valley Special Service District, including Clawson Town and other related matters.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 6-1-94B. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

CELLULAR PHONE DISCUSSION

Bret Mills, Emery County Communications Specialist, together with Sheriff, Lamar Guymon briefly discussed the cellular phone services provided by ComNet and Cellular One. Discussed was that ComNet has no other site than Cedar Mountain and does not anticipate further expansion of the services, according to their representative Linda Rollings. It was noted that Emery Telephone has a vested interest in ComNet.

In regards to Cellular One, they too have a site on Cedar Mountain and one on Bruin Peak. They cover the County much better. They are anticipating expanding the service further in the area. They anticipate a location on Horn Mountain, also in Green River and Moore.

Mr. Mills indicated he feels the service is much better at the present time

from Cellular One.

Therefore, motion was made by Commissioner Dixie Thompson that for the present time the County goes with Cellular One and hope that efforts could be made through the local telephone company to persuade ComNet to make further improvements. After which, the Commission would consider switching at a later time. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(5)

#### PUBLIC HEARING CONCERNING CHANGES IN THE EMERY COUNTY ZONING RESOLUTION

Planning and Zoning Technician, Bryant Anderson presented and reviewed five proposed Zoning Resolution changes. The first Resolution presented was "A" which changes A-1 Zone to include small industrial warehouses, definitions and some cleaning language for overall zoning ordinances.

Resolution "B" changes the present landfill area to an I-1 Zone and allows for landfills in the I-1 Zone.

Resolution "C" was a proposed site plan approval for Emery Recycling for the building of a refuse recycling and gasification plant.

Resolution "D" creates the 80 acre building lots in CE-1 Zones.

Resolution "E" provides for a modified 80 acre planned unit development.

Commission Chairman Kent Petersen inquired if there were any public comment or questions.

Planning and Zoning Technician, Bryant Anderson advised the Commission that he has been requested by David and Renee Cunningham and James and Linda Tracy to read their letter in Commission meeting. Wherein, they are land owners of property located in the north and east portion of Emery County and are pleased that the Commission was considering land use zoning changes that would allow building of dwellings on their property. Their request of the Commission was that consideration be given to 40 acres for a building site location rather than the proposed 80 acre. Also read was a letter from Sterling and Margaret Bowen and Steve and Marilyn Adams which read much the same as the previous letter. This is comparable to both adjoining Carbon and Sanpete Counties which require only 40 acre minimum size lots.

Lamar Kumer, from Cleveland and a land owner in the same area, indicated he supports the 80 acre minimum. His primary concern was with the sewage holding tank. He recommended that consideration be given to a septic tank system. It



is a better system in that holding tanks eventually leak. He asked that this be given further consideration.

Further discussed was to control the development so that the County would not be in a position to be responsible for snow removal and other services.

At this time, Bryant Anderson noted for the record that he has never indicated or guaranteed to anyone the ability to build on the mountains CE-1 Zone nor speculated on any reduced acreage.

Assessor, James Fauver recommended that rather than seasonal development that these be classified as non-primary. This according to definitions by the State. That the County also dictate the size and type of structures allowed and that the facilities require permanent foundations.

Recorder, Ina Lee Magnuson questioned the legality of the property sales in that possibly they do not meet guidelines of state subdivision laws.

McKay Matthews, a property owner, indicated that he would be in favor of the 40 acre minimum requirement.

Steven Jones, a property owner, indicated he was also speaking for another property owner, Mr. Moody, and both want seasonal development on 40 acres. He also questioned the slope and density lot requirement in the Zoning Resolution.

Commissioner Mark Justice noted that originally there was no building allowed in CE-1 Zone. The Planning Commission has recommended 80 acres as an initial proposal. They have done this taking into consideration the concerns of two groups of people. Those who would like to develop the property as well as those who would like to protect the watersheds and minimize the impact of people upon those watersheds and County services. No one privately is promoting any particular size acreage and there is no emphasis to any particular group. Respect has been given to both parties. As to septic tanks versus holding tanks, further consideration should be given as to which is actually the best. Therefore, it was his recommendation that they eliminate section 9-5-2 which is the slope and density lot acreage requirement. Also discussed was the planned seasonal development units.

There being no further discussion, Commission Chairman Kent Petersen closed the public hearing on the proposed zoning changes at 10:35 a.m.

(6)

EMERY COUNTY ZONING RESOLUTION CHANGES - RESOLUTIONS 6-1-94C,  
6-1-94D, 6-1-94E,  
6-1-94F AND 6-1-94G

Presented for Commission consideration was Resolution 6-1-94C previously

referred to as Resolution "A" which changes the A-1 Zone to include small industrial warehouses, concession stands in state parks and other changes.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 6-1-94C as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Presented for Commission consideration was Resolution 6-1-94D previously referred to as Resolution "B" which changes the present County landfill area to an I-1 Zone and allows landfills in the I-1 Zone.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 6-1-94D as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Presented for Commission consideration was Resolution 6-1-94E previously referred to as Resolution "C" which provides for the approval of Emery Recycling Companies site plan for the building of a refuse recycling and gasification plant. This is subject to the approval of Resolution 6-1-94D.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 6-1-94E as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Presented for Commission consideration was Resolution 6-1-94F previously referred to as Resolution "D" which creates the 80 acre building lots in CE-1 Zone. It also adds special requirements.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 6-1-94F with clarification and a determination as to the dwellings to be changed from seasonal to non-primary. Consideration is to be given by the Planning Commission as to size and requirement for permanent foundation. That developers and sellers meet all state subdivision laws in the sell of properties. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Presented for Commission consideration was a Resolution referred to as Resolution "E" for the 80-acre planned unit development. It was the recommendation of the Commissioner Mark Justice and the consensus of the Commission that they delay any action on this proposed Resolution until further information can be provided by and recommended from the planning commission in that the Commission proposed the deletion of the slope density section 9-5-2.

## LEASE PURCHASE AGREEMENT - PMSI COMPUTER SYSTEM

It was Commission Chairman Kent Petersen's recommendation to the Commission that the County upgrade the PMSI computer system and enter into a lease purchase agreement on the upgrade. This would be essentially at the same cost as the maintenance contract presently entered into with PMSI.

Auditor, Karen Truman noted that her request was that this matter be brought before the full Commission for approval and discussion. She noted that previously the County had made an outright purchase on the last computer system. She noted that in the previous lease purchase had almost doubled the original equipment cost. However, it was pointed out that the County is presently looking at a five year lease purchase. Estimated cost is \$75,000, with annual payments of \$16,455 per year with interest of \$7,275.00 over the five year period.

Commission Chairman Kent Petersen continued in that he has reviewed the lease purchase agreement and it has the least impact on the overall data processing budget. Therefore, motion was made by Commissioner Mark Justice to enter into the lease purchase agreement for the computer upgrade based on Commissioner Petersen's recommendation. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

## ESTABLISHMENT OF AN ENTERPRISE FUND - RESOLUTION 6-1-94G

County Attorney, David Blackwell presented to the Commission for their consideration Resolution 6-1-94G. Wherein, said Resolution establishes an enterprise fund within Emery County. This is to operate a concession stand at Huntington and Millsite State Parks. In the operation of such a concession, it will require employees and provide jobs for local citizens. The fund will automatically cease on December 31, 1994. Any remaining revenue will revert to the Emery County General Fund.

Commissioner Mark Justice noted at this time that economic development has been working with the State parks who has been willing to give the County rights to the concessions as well as provide a location. He further noted that once the concessions are up and running good, consideration would be given the next year to leasing or selling their operation to private enterprises. He noted that within the concessions they would offer food, souvenirs and items on consignment. Noted was that approximately 44,000 people visit Millsite during the season and approximately that same amount at Huntington Lake. They have been looking into the profits going into a scholarship fund for the youth.

Therefore, motion was made by Commissioner Mark Justice to approve Resolution 6-1-94G which creates the Enterprise fund and ends of December 31, 1994. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### ROAD DEPARTMENT BUSINESS

A) Road Superintendent Rex Funk informed the Commission that equipment presently being used at the County landfill was purchased under Class B funds. It was noted that the independent auditors have recommended that a determination be made of the fair market value of that equipment and that the Class B Road Fund be reimbursed in that amount.

After discussion, it was the consensus and recommendation that Road Superintendent Rex Funk, Commissioner Mark Justice, Auditor, Karen Truman and County Attorney, David Blackwell meet further to determine the fair market value and bring the matter back to the Commission for further consideration.

B) Mr. Funk continued in that Nielsen Construction has opened up a gravel pit which is impacting the Buffalo Bench Bridge near Lawrence, creating an emergency condition for repairs. It was his recommendation that he be authorized to contact the contractor and work out a price for the repairs since this is a bus route. It was further his recommendation that monies originally set aside for the Miller Canyon project be used for the needed repairs.

Whereupon, motion was made by Commissioner Mark Justice to approve the recommendation and suggestions of Road Superintendent Rex Funk and authorize him to proceed with the needed emergency improvements on the Buffalo Bridge. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

C) Presented was the architectural contract with Design West for design work of the County Road Shop facility. Design West having been previously approved.

Whereupon, motion was made by Commissioner Mark Justice to approve the contract with Design West for architectural services. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

#### FOREST SERVICE REORGANIZATION AND FUTURE PLANS

Charlie Jankiewicz, of the Forest Service, reviewed a letter which the Commission had also received from George Morris in their decision not to replace Forest Ranger Ira Hatch in the Ferron District. Mr. Jankiewicz will serve as District Ranger for both the Price and Ferron area. Discussed was the

budget impact and project consideration. Assurances were given by Mr. Jankiewicz that this would in no way effect the closing of the Ferron office and the same services would be provided through the Ferron office as has been done in the past.

Commissioner Dixie Thompson was encouraged by the consolidation in that this would free up additional funds to address problems that the Forest Service budget has not been able to address, such as noxious weeds, roads, etc. At this time, Commissioner Mark Justice noted that he is strongly opposed to the proposal. He encouraged the Commission to object to the consolidation and the negative impact on the County. He noted that not replacing Ira Hatch is a loss of one job. The majority of the Forest Service is in Emery County. It makes much more sense to have the Regional Office in Emery County rather than in Carbon County. Discussed was the possibility and recommendation that the next Ranger be required to locate in the Ferron Office and this be rotated from ranger to ranger.

After further discussion, it was the consensus of the Commission to address their concerns in a letter. Whereupon, motion was made by Commissioner Mark Justice to address the concerns and objections of the Commission in a letter to the Forest Service. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### FOREST SERVICE COOPERATIVE LAW ENFORCEMENT AGREEMENT

Presented to the Commission at this time was the Cooperative Law Enforcement Agreement between the Forest Service and Emery County. This having been on the agenda for the previous Commission meeting and because of oversight, no action was taken at that time.

Therefore, motion was made by Commissioner Mark Justice to approve the agreement. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

#### TCI CABLEVISION/EMERY COUNTY MUST CARRY ELECTION

Commissioner Mark Justice together with Bret Mills reviewed discussions with TCI Cablevision. Wherein, Mr. Mills indicated that TCI indicates that their system is full. Therefore, they cannot add the local station to the system. TCI covers Castle Dale, Huntington and Ferron. It was noted that they would have to drop something or wait until the system is expanded, which is anticipated to be in six months to one year. Therefore, it was Commissioner

Justice's recommendation that they meet further with the management of TCI and determine exactly what that expansion date would be. Also suggested was that TCI come to the next Commission meeting. However, it was the consensus of the Commission that Communications Specialist Bret Mills together with Joel Dorsch of the local station, Sheriff Lamar Guymon, Commissioner Mark Justice and representatives of TCI meet together and discuss this further.

(13)

#### STATE SOVEREIGN LANDS COUNCIL

It was noted that through articles in the newspaper that the State Legislature has created a State Sovereign Lands Council. They are looking for recommendation and names to serve on that council. Inquired was any recommendations from the Commission.

There were none at this time. It was further recommended that this be tabled and considered at the next Commission meeting.

(14)

#### CASTLE COUNTRY COUNCIL FOR THE ARTS AND HUMANITIES

Carol and Bill Schneider of Ferron came before the Commission as a follow up to the previous Commission meeting. Wherein, the Commission discussed appointments to the council. It was Commissioner Kent Petersen's recommendation that his wife Janet Petersen be appointed as the Commission appointment. Therefore, motion was made by Commissioner Dixie Thompson to appoint Janet Petersen to the Castle Country Council for the Arts and Humanities. This automatically places her on the Board of Trustees. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Discussed was the size of contribution to be made to the Council. It was Commissioner Justice's motion to contribute \$200 at this time. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### RECREATION DISTRICT - PRIMARY BALLOT QUESTION

The Commission turned time to County Attorney, David Blackwell who has researched the statute in regards to putting a question of funding the Recreation District on the Primary Ballot. Mr. Blackwell indicated that the statutes presently do not allow for advisory questions on the ballot. In the new law, balloting questions have to be authorized by the Utah Code. Such a question becomes political.

Therefore, at this time, Commissioner Mark Justice made a motion not to include a question on the Primary Ballot in regards to funding of the Recreation District and that they notify the Recreation District and that they may want to

proceed with an Initiative. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### TAHOMA LANDFILL LICENSING PROCESS

Commissioner Mark Justice at this time made a recommendation and request that the Commission delay the effective date of the operation plan for the Emery County landfill. Proposed by the engineering firm was the creation of a separate district to handle the landfill. Commissioner Justice further discussed the purposes in the creation of previous districts, noting that he is reluctant to create a special district for the landfill. He expressed concern in the recommendation which would require the hiring of three additional people at the landfill. He noted that this is beyond the County's means. Further consideration may need to be given to the landfill operating hours. He also expressed concern in the agreement entered into with the engineering firm on a time and material basis.

After further discussion, it was the consensus of the Commission that they would meet together further on this with the engineering firm for further consideration.

(17)

#### JUSTICE COURT DUAL JURISDICTION RECOMMENDATION

Reviewed with the Commission was a proposed Resolution providing for dual jurisdiction for Justice Court precinct #1 and #2 on State Highway 6 and I-70, providing a 20 mile dual jurisdiction on each of those roads 10 miles on each side of the present boundary.

It was Commissioner Mark Justice's recommendation and consensus of the Commission that this matter be tabled for further consideration.

(18)

#### HUNTINGTON AIRPORT CONTRACT STATUS

This item having been placed on the agenda, Commissioner Dixie Thompson noted that presently the County does not have a contract for operation of the Huntington Airport. It was her recommendation that the Commission enter into a contract with Rick VanBuren who is presently residing there and appears to be running the airport satisfactorily.

However, it was the consensus of the commission that this be reviewed further and considered at a later time.

(19)

AUDITOR'S BUSINESS

A) Emery County Auditor, Karen Truman presented Warrant/Check Edit List #72049 through and including #72192 for payment.

Req. #	Item and Description	Amount	Action
27	Two 3-ton chains - Road	689.00	Approved
28	One fork lift - Road	8,900.00	Approved
29	One central vac - Sheriff	599.95	Approved

Whereupon, motion was made by Commissioner Mark Justice to approve all warrants for payment and requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

B) Auditor, Karen Truman presented the following Disposition of Fixed Asset forms to the Commission for their approval from the Road Department: 1969 Allis Chalmers HD21 Dozer for trade on a forklift - serial #21B16136; Gilbarco Diesel pump and key lock (gas pumps removed from the road department) to be disposed of - serial #625304002; 1980 GMC Dump for trade on a new or used unit - serial #T49CJAV598725; and 1979 Ford for trade on a new or used unit - serial #U90LVDC5981.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to dispose of the above-listed equipment as requested by the Road Department. Motion was approved by all members present.

(20)

UTAH STATE DOCUMENT DISTRIBUTION SYSTEM

Auditor, Karen Truman introduced Mr. John Ruppel of the Utah State Document Distribution Center. Mr. Ruppel noted that he works directly for governments both State and Local. They provide the State contract information by touch tone phone and fax. This allows local governments to know the pricing available and allows them to work directly with local vendors to see that they are more competitive. They have expanded their area of service. The cost for the first year is \$300 which allows access by any person at any time. The second year has an annual maintenance fee of \$99.

The Commission has established Karen Truman as the contact person for the County.

(21)

AGING COUNCIL RECOMMENDATION



Maughan Guymon informed the Commission that the contract with the Association of Governments is up July 1. It has been recommended by the Aging Council that the Emery County Aging and Nutrition employees be County employees. This having been done in other Counties. They are presently on the State salary plan. It would be of a greater benefit to them both in salary and benefits to be County employees and that a proposal would be forthcoming from the AOG in regards to that. This would result in 45 to 53 part-time employees as well as five full-time employees. However, they would still contract back to the AOG.

Commissioner Dixie Thompson suggested that a cost analysis of such a proposal be provided to the Commission for further consideration at the next meeting.

(22)

#### EMT EMPLOYEE STATUS CHANGE

Motion was made by Commissioner Mark Justice to recognize Emery County EMT's as paid volunteers. As such, they are employees of Emery County. However, due to budget restraints, this needs to be effective January 1, 1995. He further noted that this has the total support of EMT's. Other consideration would be have to be given on the budget for the rates for on-call as well as revenue sources. Such a motion tells EMT's that the Commission is looking at their concerns as well as addressing them.

Commissioner Dixie Thompson commented that with the number of other requests that at this time could not see how the County could afford making this change at this time.

Commission Chairman Kent Petersen noted that he would like to see more data.

Therefore, because of a lack of a second, Commission Chairman Kent Petersen tabled this item until the next Commission meeting. He recognized the significant cost to the County on the on-call time and any additional revenues that could be used to offset those costs.

(23)

#### REPORT ON CENTRALLY ASSESSED PROPERTIES

Assessor, James Fauver updated the Commission on the centrally assessed tax issues. He reviewed the AMAX lawsuit, in that it should now go away. The legislature is not going to readdress the issues. He also discussed pending UP&L protests and anticipated actions there.

(24)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel item for

Commission consideration:

A) Economic Development - Rosann Fillmore was hired September 1, 1993. She has not yet received the six-month probationary increase as provided for by the policy under which she was hired. Therefore, it is proposed that she receive that increase retroactive to March 1, 1994. Rosann will progress from Grade 18-A or \$1,036 per pay period to a Grade 18-B, or \$1060 per pay period.

Motion was made by Commissioner Mark Justice, noting that she has done an excellent job. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

B) She noted there is a change in philosophy in the hiring of library staff. Jerilyn Mathis reviewed with the Commission the past policies and recommendations of the Library Board in that they have tried to hire within the town on vacancies. She would like, on qualified assistants who are willing to drive from anywhere within the system, be considered for the librarian position based upon their qualifications and skills.

Therefore, motion was made by Commissioner Dixie Thompson to encourage the use of the County Personnel Policy by the Library Board. Motion was seconded the Commissioner Mark Justice and approved by all members present.

C) She reviewed with the Commission discussions held between herself and Clerk Bruce Funk who is the loss prevention representative. In meetings attended by Mr. Funk and County Attorney, David Blackwell as well as in meetings with David Nelson, it was their recommendation to the Commission that the Emery County Loss Prevention team be organized to consist of a Commissioner designee, Pat Snowball as the insurance coordinator, Mr. Funk or other Commission appointed loss prevention representative, County Attorney's office designee, Road Department designee who would be their safety officer and a Sheriff's office designee.

This group would accomplish the following: review those recommendations of the UACIM relative to communication, loss prevention and accident review. The team would meet once a month. Team members would be expected to be proactive, attend County monthly meetings and attend UACIM training for that purpose.

Whereupon, motion was made by Commissioner Mark Justice to approve the concept as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(25)

EXECUTIVE SESSION

Motion to adjourn to executive session at 2:14 p.m. was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

Those present during executive session were Commissioners Kent Petersen, Dixie Thompson and Mark Justice; County Attorney, David Blackwell; and Clerk, Bruce Funk.

Personnel matters were discussed.

Commission Chairman Kent Petersen reconvened the regular Commission meeting at 2:35 p.m.

(26)

#### COMMISSION MINUTES

The minutes of the May 4, 1994, Commission meeting were reviewed, having been previously corrected. Motion to approve the minutes as corrected was made by Commissioner Mark Justice, seconded by Commission Chairman Kent Petersen and approved by all members present.

The minutes of the May 18, 1994, Commission meeting were reviewed and corrected. Motion to approve the minutes as corrected was made by Commissioner Mark Justice, seconded by Commission Chairman Kent Petersen and approved by all members present.

(27)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:38 p.m. was made by Commissioner Dixie Thompson, seconded by Commissioner Mark Justice and approved by all members present.

ATTEST

CHAIRMAN

ComMin6-15-94

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

June 15, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and

Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce C. Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

The invocation was given by Commissioner Mark Justice.

(1)

#### GORDON HILLIER - EMERY COUNTY RE-INSURANCE RENEWAL COMPARISON

Gordon Hillier presented to the Commission re-insurance renewal comparisons for the Emery County self insurance for their review. The aggregate premium for the current insurance is \$3.75. With Insurance of North America, their renewal would be at \$4.00. This compared with John Alden at \$6.09, State Mutual Life at \$4.94 and Standard Security at \$4.63. He further noted that in continuing with North America that there are no conditions that have to be met. He also provided to the Commission the large claims list from July 1, 1993, through May 31, 1994. He noted these claims are not reflective of the normal course of business with Emery County. They are cyclic and many would not be repeated. He also reviewed the monthly medical, dental, Scrip card and vision costs incurred by the County for the period of July 1, 1992, through May 31, 1993, in comparison to the same period in 1993 and 1994.

After review of the claims, it was the recommendation of the Commission that Mr. Hillier provide to the Commission a detailed monthly breakdown of each of those costs beginning January 1993 through the present.

Whereupon, motion was made by Commissioner Dixie Thompson to approve and accept the Insurance of North America proposal for re-insurance as previously discussed. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Mr. Hillier further discussed the PPO benefit to be added to the Scrip card. That will be at no additional cost to the County and would be of some financial benefit to the County should prescriptions be obtained at one of those locations.

(2)

#### CONSIDERATION OF OIL LEASE

Rick Sutton, on behalf of Dolar Oil Properties addressed the Commission, offering the oil, gas and mineral rights in Township 21 South range 6 east, certain portions of Sections 34, 35 and 36 as well as parts of Section 3 and Township 22 South range 6 east. This is approximately 802 acres. This would

be for a five year lease for a total payment to the County of \$12,033.75. This amounts to \$15 per net mineral acre and 1/8 royalty. Normal purpose is to drill in the coal seams to extract the methane.

Assessor, James Fauver recommended to the Commission that they notify the property owners of the anticipated lease by the County. He agreed to notify those property owners within those boundaries of the pending lease by the County in that this could have an impact upon the property owners. Therefore, it was the consensus of the Commission to postpone any action on this matter until the next Commission meeting and allow Mr. Fauver sufficient time to notify the property owners of the impending lease.

(3)  
JUSTICE COURT DUAL JURISDICTION

Commissioner Mark Justice noted this had been reviewed in the previous Commission meeting. It was his recommendation to the Commission that no changes be made in the precinct boundaries at this time. Therefore, motion was made by Commissioner Mark Justice to make no changes to the current Justice Court precinct boundaries at the present time. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)  
LOSS PREVENTION/ACCIDENT REVIEW COMMITTEE - RESOLUTION 6-15-94A

County Attorney, David Blackwell presented to the commission for their consideration Resolution 6-15-94A. Wherein said Resolution establishes a Loss Prevention/Accident Review Committee. The Committee consists of a Commissioner designee who would be the loss prevention representative, the Personnel Director/Insurance Coordinator, one member from the County Attorney's office, one member from the Sheriff's office and one member from the Road Department. The purpose of the committee is to address methods to avoid losses attributed to accidents and make recommendations for loss control improvements to the Commission for review and final approval. They will also review accidents and the circumstances under which accident occurred. They will make recommendations to the Commission as well as the Department Heads.

Whereupon, motion was made by Commissioner Dixie Thompson to approve Resolution 6-15-94A, establishing a Loss Prevention/Accident Review Committee as set forth in said Resolution. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(5)  
BAILIFF CONTRACT

Clerk, Bruce Funk presented to the Commission for their consideration a

Memorandum of Understanding. Wherein, under contractual agreement number 921389 between Emery County and the Administrative Office of the Courts, Emery County Sheriff's department provides bailiff service to the District Court. Said memorandum extends the original contract for an additional year or until June 30, 1995. Emery County is to be compensated at the rate not to exceed \$4,500. It was further noted that this is the same reimbursement contract as previously entered into and Sheriff Lamar Guymon has reviewed and found it acceptable and recommends passage by the Commission.

Whereupon, motion was made by Commissioner Mark Justice to approve the Memorandum of Understanding for Bailiff Services provided to the District Court by Emery County in the amount of up to \$4,500. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

#### APPEAL OF PERSONAL PROPERTY

Assessor, James Fauver informed the Commission that they had received a letter that the Snow's, owners of Joe's Valley Marina, have appealed the \$500 value of the boats used at the marina. The Snow's have asked Mr. Fauver to come before the Commission to seek relief. They have given their objections in letter as advised by Mr. Fauver. They have stated they feel their taxes should be no more than what they were three years ago. Mr. Fauver pointed out that the State has recommended a minimum and that although the assessor could adjust those values but that there needs to be justification. Those justifications were not outlined in letter from the Snow's.

Therefore, based on the recommendation of Mr. Fauver, motion was made by Commissioner Mark Justice to dismiss the appeal at this time for lack of information or justification. Motion Was seconded by Commissioner Dixie Thompson and approved by all members present.

It was the consensus of the Commission that Mr. Fauver contact the Snow's and outline with them their needed response in justifying such an adjustment, noting that the Commission could give it further consideration or consideration could be given by the State Tax Commission.

(7)

#### COMPREHENSIVE PLANNING CHAIRMAN COMPENSATION

Commissioner Mark Justice reviewed with the Commission the appointment of Tracy Jeffs to serve as Chairman of the Comprehensive Planning Committee. He noted Mr. Jeffs had been appointed approximately in May. Therefore, it was his motion and recommendation to compensate Mr. Jeffs in the amount of \$500 per month. The County enter into a contract with Mr. Jeffs. Wherein, Emery County compensates him at the rate of \$500 per month for those services he provides to that

Committee. This being through December of 1994 and any extension beyond that would require additional Commission consideration. He further requested that the County Attorney's office prepare the contract with the effective date as agreed upon by Commissioner Justice and Mr. Jeffs. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### NIGHTTIME HUNTING ORDINANCE PERMITS

County Attorney, David Blackwell noted that with the passage of the Nighttime Hunting Ordinance that now prepared are the permit forms and plans which users are required to fill out are now available at the Emery County Sheriff's office dispatcher. He noted some are yearly and others are for a short period of time as spelled out in the Ordinance.

Commissioner Dixie Thompson inquired as to any retention of the fees by the County. Mr. Blackwell responded in that he would look into that matter further.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the application and permit forms as prepared. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(9)

#### AIRPORT MANAGEMENT CONTRACT

Commissioner Dixie Thompson advised the Commission that she has been unable to make contact with the party presently at the airport to see if they would be interested in a contract with the County in the management of the same. She indicated he would not be back for two weeks. Therefore, this matter was tabled.

(10)

#### REAPPOINTMENT OF BOARD MEMBERS TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT

Commission Secretary, Leslie Bolinder informed the Commission that the terms of the three County appointees to the Emery County Recreation Special Service District have expired as of January 1, 1994, in that they were appointed for only two years. They are Commissioner Mark Justice, Dan Whiteleather and Drew Leroy. It was the recommendation to the Commission that they be reappointed for a four-year term effective January 1, 1994, to expire January 1, 1998.

Whereupon, motion was made by Commissioner Mark Justice to appoint himself, Dan Whiteleather and Drew Leroy to serve another term on the Emery County

Recreation Special Service District board as discussed. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### DONATION TO HUNTINGTON HERITAGE DAYS CELEBRATION

After discussion, motion was made by Commissioner Dixie Thompson to approve the budgeted amount for the Huntington Heritage Days celebration. This was seconded by Commissioner Mark Justice and approved by all members present.

It was further recommended by Commissioner Mark Justice that these be submitted on a claim since they were already approved in the County General Revenue and Expenditure Budget.

(12)

#### APPROVAL OF FIRST SECURITY LEASE AGREEMENT - COMPUTER SYSTEM UPGRADE

Commission Chairman Kent Petersen noted that in the previous Commission meeting they had reviewed and approved upgrading the County computer system. County Attorney, David Blackwell has reviewed the lease agreement. The equipment is scheduled for installation on June 22. It was Mr. Blackwell's recommendation that the Commission hold the signing of the acknowledgement of the equipment installation until after the equipment is installed. He recommended the Commission to proceed with the signing of the other documentation.

Therefore, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to sign the lease agreement as provided and authorize Commission Chairman Kent Petersen to sign the same as required after installation of the equipment. Motion was approved by all members present.

(13)

#### EMERY COUNTY AGING AND NUTRITION EMPLOYEE CONSIDERATION

This matter having been discussed in the previous Commission meeting. Wherein, it was requested that County employees on the Emery County Aging and Nutrition be considered as Emery County employees and included in the County salary and benefit plan.

At this time, Commissioner Mark Justice asked Auditor, Karen Truman to report on the physical note of implementing such a policy. Auditor, Karen Truman noted that in review of the payroll and benefit program, if the County was to assume the current AOG Emery County employees, it would be an additional cost to the County of \$61,244.

Commissioner Mark Justice discussed that in the past, they being County



employees, but working through the AOG, they have not received cost of living increases and other benefits which other County employees benefit from such as the County Health program. Wherein, the County employees also receive retirement and health at 100%. It was noted that these people are contributing part at the present. These people are indirectly employees of the County and do deserve the cost of living increases. They have not received them in the past and are currently under the State program. It was his recommendation that the Commission meet further with Bill Howell to see how the County might alter the present salary plan to benefit those County employees under the nutrition and aging program. This might be a less expensive, yet most effective way to fund those increases through the AOG.

Therefore, it was the consensus of the Commission that Commissioners Mark Justice and Kent Petersen meet with Mr. Howell prior to the regular AOG meeting set for June 17 with those recommendations.

(14)

#### OPERATIONAL PLAN AND LICENSING REQUIREMENTS OF COUNTY LANDFILL

Commissioner Mark Justice noted the following recommendations for the County landfill. These having been recommended by Tahoma who is handling the license process for the County. It was noted that the County needs to verify financial assurance to the State. Discussed was that monies will be set aside in a fund balance. This is similar to the insurance contingency fund. It was noted that the fund balance would have approximately \$133,000. These funds would be used in the event a third party would have to close and cover the existing landfill. Also, approve the engineering firm to attend related rural Utah seminars.

The Commission will further respond with the following additional comments. 1) That the County does not desire more comic books. They served their purpose very well, however, no more are needed. 2) The County does not desire another printing of coloring books. 3) Tahoma has the County's approval to coordinate Emery County's Recycling Program with Emery Recycling. 4) Composting will be considered at a later time, not now. 5) The County intends to post "No Dumping" signs at the 14 illegal dumps noted in the Solid Waste Management Plan. The County also intends to cooperate with clean-up efforts with the BLM and cities. 6) The County intends to assign salvage rights to Emery Recycling.

Motion was made by Commissioner Mark Justice to approve the operational plan and licensing requirements and set the hours for the operation of the landfill from 7:30 a.m. to 6:00 p.m. effective August 1, 1994, Monday through Saturday. The landfill would be closed Sunday. The Commission is to consider tipage fees. Also for notification to the public. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

AUDITOR'S BUSINESS

Emery County Auditor, Karen Truman, presented Warrant/Check Edit List #72410 through and including #72565 for payment.

The following requisition was presented for Commission consideration:

Req. #	Item and Description	Amount	Action
30	Padded Training Bite Suit - Sheriff	1,150.00	Approved

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve all warrants for payment and requisitions for purchase. Motion was approved by all members present.

(16)

COMMISSION MINUTES

The minutes of the June 1, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the June 1, 1994, Municipal Building Authority meeting were reviewed. Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the minutes as presented. Motion was approved by all members present.

(17)

COMMISSION REPORTS

Commissioner Mark Justice:

1. He reported on the Green River golf course. He indicated a project manager has been hired. The contracts should be let in the next 30 days with a completion date expected approximately one year from now. Discussed was a request by Green River for use of a dozer and manpower. It was discussed and agreed upon by those present that such requests be handled through Commission Chairman Kent Petersen who is over the road department.

Commission Chairman Kent Petersen:

1. He discussed his trip to Moab on the Grazing Reform hearings. He

further noted that it appears the environmentalists are passing the hearings nation wide.

(18)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission for their consideration the following personnel matters:

A) Attorney's Office - Nancy Orgill who has served in a temporary capacity in the office has been selected to fill the regular part time position of Legal Secretary I, entry level Grade 6 Step A, \$7.83 per hour, effective June 15, 1994.

B) Extension Office - Request was made to reappoint Jody Jeffs to help in the office from June 6, 1994, to approximately mid-September at a rate of \$5.00 per hour. This will be Jody's third season in that office.

Motion to approve the hiring of Nancy Orgill in the Attorney's office and to reappoint Jody Jeffs in the Extension office was made by Commissioner Dixie Thompson and seconded by Commissioner Dixie Thompson. Motion was approved by all members present.

C) Library - Roxann Bohn, Branch Librarian at the Elmo Library has given notice that she will terminate her employment with the County effective July 4, 1994.

The vacancy will be filled by the promotional process. Announcement of the opportunity has been posted. It is hoped that the vacancy can be filled effective June 27, 1994. It is also hoped that the vacancy which will occur because of the promotion can be filled effective June 23. The purpose of this request is to seek approval by the Commission to fill the positions, then at the next Commission meeting on July 6, ratify the individuals who were hired.

Commissioner Mark Justice questioned whether this was following personnel policy. He noted that the Commission usually gives approval prior to the filling of positions. Therefore, it was the consensus of the Commission that the personnel policy be followed in the appointment to fill the office of the branch librarian and in the recruitment to fill the vacancy created by that person being promoted to the librarian position at Elmo. The Commission did realize that this would delay final consideration for two weeks until the next Commission meeting.

D) Road Department - Road Superintendent Rex Funk requested permission from

the Commission to begin the recruitment for a part-time person at the landfill. It was the consensus and agreement by all those present that Mr. Funk and Personnel Director, Pat Snowball get the job descriptions and hours and submit those for consideration at the next Commission meeting.

(18)

#### EXECUTIVE SESSION

County Attorney, David Blackwell informed the Commission prior to adjourning to Executive Session that there are matters of litigation which also need to be considered in Executive Session. Therefore, motion to adjourn to executive session was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson at 7:46 p.m. to discuss personnel matters and litigation. Motion was approved by all members present.

Those present during Executive Session were Commissioners Mark Justice, Kent Petersen and Dixie Thompson; County Attorney, David Blackwell; Clerk, Bruce Funk. Also requesting to be in attendance during a portion of Executive Session under personnel matters was Mary Manley.

The Commission reconvened the regular Commission meeting at 8:09 p.m. with all members present.

(19)

#### APPROVAL OF HIRING OF MARY MANLEY AS DEPUTY COUNTY ATTORNEY

Motion was made by Commissioner Dixie Thompson to accept the recommendation of County Attorney, David Blackwell in appointing Mary Manley as Deputy Emery County Attorney. Motion was seconded by Commissioner Mark Justice and approved by all members present. Effective date to be determined and is anticipated to be June 22 with the final contract to be considered by the Commission at that time.

(20)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 8:12 p.m. was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

CHAIRMAN

ComMin7-5-94

MINUTES OF THE SPECIAL MEETING  
FOR THE PURPOSE OF CANVASSING THE PRIMARY ELECTION  
HELD IN THE EMERY COUNTY COURTHOUSE

July 5, 1994

Those present at the meeting were Commissioner Kent Petersen; Treasurer, JoAnn Behling; Sheriff, Lamar Guymon; and Clerk, Bruce Funk.

Commission Chairman Kent Petersen convened the Board of Canvassers at 12:00 noon appointing Treasurer, JoAnn Behling and Sheriff, Lamar Guymon along with himself as the Board of Canvassers. Commission Chairman Kent Petersen then recessed the meeting to allow for completion of the recount of primary ballots as requested by memorandum dated July 1, 1994, from the Lt. Governor's office.

At the conclusion of the recounts, the Board of Canvassers reconvened and canvassed the election results. Motion was made by Treasurer, JoAnn Behling and seconded by Sheriff, Lamar Guymon to accept the official results of the canvass as follows:

U.S. REPRESENTATIVE - DISTRICT NO. 3

Tom Draschil	160
Dixie Thompson	855

U.S. SENATOR

Craig Oliver	21
Bill Rigley	5

Motion was approved by all members present.

All absent voter ballots had been delivered on election day to polling places. Therefore, there were no such ballots to consider at this time.

Meeting adjourned at 12:47 p.m.

ComMin7-6-94

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

July 6, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

The invocation was given by Road Superintendent, Rex Funk.

(1)

PUBLIC HEARING - SETTING OF 1994 PROPERTY TAX RATE FOR EMERY COUNTY GENERAL FUND, FLOOD CONTROL, LIBRARY FUND AND CASTLE VALLEY SPECIAL SERVICE DISTRICT

Commission Chairman Kent Petersen opened the meeting at this time for public comment on the setting of the 1994 property tax rates for the Emery County General Fund, Flood Control, Library Fund and Castle Valley Special Service District. He then invited Auditor, Karen Truman to review the proposed rates for consideration.

Auditor, Karen Truman briefly reviewed an article from the Utah Tax Payers Association noting there is a loss of the 5% exemption originally allowed because of the AMAX ruling. Therefore, local businesses will see a greater tax increase and residential would go down. She noted that the taxable value for the County is \$1,510,922,000. The certified tax rate is exactly the same as last year.

The certified tax rate for the County General Fund is .003032 and the proposed tax rate for 1994 is .003032. This is the same as last year, resulting in a budgeted revenue of \$4,581,118. The certified tax rate for the library is .000366 with the proposed rate for 1994 at .000351 for a budgeted revenue of \$530,000. The certified tax rate for the Flood Control is .000184 with the proposed rate for 1994 at .000176 for a budgeted revenue of \$266,307. The certified tax rate for Assessing and collecting is .000200 and the proposed tax rate for 1994 is .000200. This is the same as last year, resulting in a budgeted revenue of \$302,185. Therefore, the overall certified tax rate is .003782 with the proposed rate for 1994 at .003759 for a total revenue of \$5,679,610.

Darrel Leamaster, Administrator of the Castle Valley Special Service District,

informed those present that the Castle Valley Special Service District debt fund does not have a certified rate. They have annual payments of approximately \$2.4 million. They have set a rate of .002064 which is slightly up from last year. General fund is .000812 which is the certified rate. The proposed rate would be .000790. He noted that last year's rate was .000800.

Commissioner Mark Justice inquired if rates were kept the same as last year would they have sufficient monies in the fund balance to cover debt service shortfall. This together with the tax rates of previous years were reviewed for the Commission by Mr. Leamaster.

Commission Chairman Kent Petersen at this time asked if there were any public comments. There being none, he closed the public hearing at 9:30.

(2)

PUBLIC HEARING ON THE ADOPTION OF THE 1994 BUDGET FOR EMERY COUNTY BUILDING AUTHORITY

Commission Chairman Kent Petersen opened the meeting at this time for public comment on adopting the 1994 budget for the Emery County Building Authority. He invited Auditor, Karen Truman to review the proposed budget.

Auditor, Karen Truman noted that Emery County has received from the Public Health Department \$30,000 which has been deposited. \$69,000 has been transferred from the Emery County General Fund in the purchase of the building at a cost of \$99,000. The Commission inquired as to anticipated receipts due to space being leased. It was noted that all excess funds would be put in a fund balance and those later transferred to the General Fund.

The Commission inquired if there were comments from the public. There being none, closed the public hearing at 9:34.

(3)

EMERY COUNTY GENERAL FUND, FLOOD CONTROL AND LIBRARY FUND TAX RATE ADOPTION

It was noted that the Commission having held a public hearing on the proposed tax rate, motion was made by Commissioner Mark Justice to adopt the proposed tax rate at a total of .003759%. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

SETTING OF TAX RATE FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT

A public hearing having been held, motion was made by Commissioner Dixie Thompson to accept as proposed the debt service rate of .002064 and the general fund rate of .000790 for a combined total of .002854 compared to last

year combined tax rate of

Commissioner Mark Justice expressed reluctance due to the tax increase. He asked for further clarification. Mr. Leamaster responded in that they were unsure as to funds from the UP&L tax issue and a pay back would have to be out of the fund balance. This would not leave them with those reserve funds which they have had in the past. Therefore, motion was seconded by Commissioner Mark Justice and approved by all members present.

(5)

#### PRESENTATION OF THE 1993 INDEPENDENT AUDIT REPORT

Mr. Kay Kimball of Kimball and Roberts formally presented to the Commission the 1993 Emery County Independent Audit Report together with the management letter. These have been previously reviewed with the Commission. Therefore, motion was made by Commissioner Mark Justice to accept the Audit Report, expressing appreciation to Mr. Kimball and his associates. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

#### REINVENT COUNTY GOVERNMENT COMMITTEE REPORT

The Commission noted that Clyde Conover, Chairman of that Committee had other commitments. Therefore, that report would be presented in the July 20 Commission meeting.

(7)

#### RECOGNITION OF LAMAR GUYMON AND REX FUNK

Emery County Aging and Nutrition Administrator Maughn Guymon presented a plaque to Sheriff, Lamar Guymon and Road Superintendent, Rex Funk in appreciation in their assistance in helping to get the USDA commodities picked up and distributed to the storage facilities.

(8)

#### DIVISION OF WILDLIFE RESOURCES - JOHN NIELSEN AND SONS LAND EXCHANGE

Miles Moretti of the Division of Wildlife Resources came before the Commission to discuss the proposed land exchange between the Division of Wildlife Resources and John Nielsen. He noted that the DWR has two 80-acre parcels in Huntington Canyon. They are exchanging those for 239 acres from John Nielsen in the area of the old highway and the Nosey Joe Flat. He discussed that this is a benefit to both parties. He noted that the DWR properties are not conducive to upland game management. There is a net taxable gain to Emery County.

Assessor, James Fauver who had viewed both properties concurred in such an exchange.



Road Superintendent, Rex Funk inquired as to roads and access. He noted that roads would continue to be maintained providing public access.

Therefore, motion was made by Commissioner Mark Justice to give Commission approval for the exchange. Motion was seconded by Commissioner Dixie Thompson, noting her reluctance to the transfer in that it results in a net loss of private land. However, she would second that motion. Motion was approved by all members present.

Mr. Moretti, while present again solicited Commission support in the Huntington Canyon area in participating in the costs for toilets as the Commission did last year.

Therefore, motion was made by Commissioner Dixie Thompson to as a county participate with DWR in providing toilet facilities which would be at an anticipated cost less than last year which was approximately \$1,800. Motion was seconded by Commissioner Mark Justice and approved by all members present.

Commissioner Dixie Thompson also discussed with Mr. Moretti the problem of the noxious weeds on the Desert Lake area and access to that area which Mr. Moretti would follow up on that.

(9)

SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS AREA  
AGENCY ON AGING  
INTERLOCAL COOPERATIVE AGREEMENT AMENDMENT NO. 1

Mr. Maughn Guymon of the Southeastern Utah Association of Local Governments Area Agency on Aging presented to the Commission for their consideration Amendment No. 1 for the fiscal year 1994. He noted this would provide additional federal monies to the program and would be at no additional cost to the County.

Therefore, motion was made by Commissioner Mark Justice to approve the proposed Amendment No. 1 as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

REAPPOINTMENTS TO THE EMERY COUNTY FIRE PROTECTION SPECIAL  
SERVICE DISTRICT

Commission Secretary Leslie Bolinder informed the Commission that there are presently five vacancies on the Fire Protection Special Service District. Those being the Commission appointment, Huntington, Emery, Cleveland and Elmo. She submitted the names of Kent Petersen as the Commission representative, Garth Childs from Huntington and Rick Rasmussen from Cleveland. She indicated Emery will be meeting on their's this week. It was also discussed that

Cleveland and Elmo have shared the same fire chief in the past and it is the fire chief who serves on that board. It was also discussed that Cleveland and Elmo have shared the same fire chief in the past, but each have a representative on the Board.

Whereupon, motion was made by Commissioner Mark Justice to appoint the three names as submitted at this time. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### BUSINESS LICENSE

Clerk, Bruce C. Funk presented to the Commission for their consideration a business license application from B. Daren Clement for the business of Rock Canyon Growers, Inc. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the business license application as presented. Motion was approved by all members present.

(12)

#### CONSIDERATION OF INDUSTRIAL PARK JOBS RESOLUTION

Economic Development Director, Rosann Fillmore came before the Commission to discuss the Huntington River Industrial Park. It was noted that what is being considered is a cost of \$10,000 per acre which may be purchased on installment plans at the rate of \$2,000 per year. However, there will be credit up to \$500 per each job equivalent which is somewhat being established as full-time employment being paid at the rate of at least \$6.00 per hour and that unemployment benefits also be provided.

It was the motion of Commissioner Dixie Thompson and consensus of the Commission that they approve the entering into an Interlocal Agreement with Huntington to provide for the sale of the Industrial Park sites, asking that the County Attorney prepare the necessary documentation. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(13)

#### RATIFICATION OF RESOLUTION FOR THE EXECUTION AND DELIVERY OF EQUIPMENT - RESOLUTION 6-15-94B

The Commission was informed that in a Commission action of June 15, 1994, in the authorization to approve the lease agreement for the purchase of the computer upgrade therein was a Resolution required. It was assigned Resolution 6-15-94B. The purpose of this item being on the agenda was to ratify and approve that resolution which authorizes the execution and delivery of an equipment lease/purchase agreement.

Whereupon, motion was made by Commissioner Mark Justice to approve and ratify

Resolution 6-15-94B. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

#### ATTORNEY'S BUSINESS - EMPLOYMENT CONTRACTS

A) Gene Strate - County Attorney, David Blackwell presented to the Commission for their consideration an employment contract between Emery County and Gene Strate. Wherein, Gene Strate will continue part-time through August 31. He noted this would allow himself to concentrate exclusively on the upcoming Murder trial. This will also allow Mr. Strate to finish up cases which were previously assigned to him. He noted the new hire, Mary Manley will assume all new cases.

Therefore, motion was made by Commissioner Dixie Thompson to approve the employment contract with Mr. Gene Strate up through August 31 to be paid at the rate of \$1,000 for each two week period. Motion was seconded by Commissioner Mark Justice and approved by all members present.

B) Mary L. Manley - County Attorney, David Blackwell presented to the Commission for their consideration an employment contract between Emery County and Mary L. Manley. Wherein, Mary L. Manley will be paid annually \$42,000. It was noted she would be exempt from FLSA as well as the County Personnel Policy. Approval for hiring was made in the previous Commission meeting, however, there is need to formally accept the employment contract.

Therefore, motion was made by Commissioner Mark Justice to approve the employment contract with Mary L. Manley with the following change. That the contract employee shall receive the cost of living and other benefit increases provided to career service employees that it be changed to may receive.

Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### EMT EMPLOYEE STATUS

Commissioner Mark Justice discussed a meeting with approximately 20 to 25 EMTs. Their main suggestion was that they be made County employees. If this is done for approximately 15 employees who would be on call at a time, it would be approximately .25 cents per hour on call. He inquired of Auditor, Karen Truman as to what those costs would be. She estimated those to be approximately \$32,850. In addition, there would be Social Security and other items which would add another \$2,000 to \$3,000, for approximately a total of \$40,000.

Commissioner Justice noted that the increase revenues due to rate increase would be close to that. However, the question of payment amount for "on call" time needs to be resolved. If "on call" time needs to be compensated at minimum wage, then the Auditor's report of \$1.1 million cost is correct and not a cost that the Commission is willing to spend. However, if "on call"

time does not need to be compensated at a minimum amount, then the cost to the County could be well under the \$40,000 yearly amount. It was the consensus of the Commission that they would like a ruling in writing before proceeding.

Therefore, motion was made by Commissioner Mark Justice to authorize himself to proceed with meeting with the Department of Labor in obtaining a ruling as to the EMT's and their on-call benefits. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### APPOINTMENTS TO THE EMERY COUNTY PLANNING/ZONING COMMITTEE

Commissioner Mark Justice noted that the Willis Wilson has retired from the Emery County Planning and Zoning Committee. Therefore, it was his motion based upon the recommendation of the Planning and Zoning Board that the Commission appoint Mack Huntington to fill that vacancy. Therefore, it was his motion to appoint Mac Huntington to the Emery County Planning and Zoning Committee. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

He further recommended to the Commission that they be allowed to increase the Board by one member. Therefore, it was his motion to authorize the Planning and Zoning Commission to look into increasing their Board by one, whether by adding a member or use as an alternate. This would more likely assure obtaining a quorum at their meetings for taking actions. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

#### CASTLE COUNTRY TRAVEL COUNCIL - CARBON COUNTY WITHDRAWAL

Commissioner Mark Justice noted that the Commission has received a letter of June 28, 1994, from the Carbon County Commission. Wherein, they have notified Emery County of their intent to withdraw effective August 23, 1994, from the Castle Country Travel Council.

The Commission discussed their disappointment in Carbon County withdrawing. However, recognized the new direction in which Carbon County is desiring to go. It is different from the direction the Travel Council has been moving in the past. Therefore, it was his motion that the Commission acknowledge receipt of the letter in which the original agreement would become void 60 days thereafter or after August 24. The Commission agreed to submit a letter of acknowledgement to Carbon County indicating a willingness to work in other areas of mutual benefit to both Counties. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(18)

#### DOLAR OIL LEASE OF EMERY COUNTY PROPERTIES

This matter having been considered in a previous Commission meeting, property owners have been notified within that area. Assessor Jim Fauver as well as the Commissioners have been informed by a number of people that the County did not own the mineral rights as implied by Dolar Oil Company. Therefore, it was the recommendation of the Commission that they approve the lease only within the vicinity of a coal seam. It does not include deep drilling beyond that. The County does not warrant ownership of those mineral rights within those described boundaries.

Whereupon, motion was made by Commissioner Mark Justice to approve the lease to be further negotiated by the County Attorney's office. It is to define only the area of the coal seams. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

#### ECONOMIC DEVELOPMENT FUNDING APPLICATION

Economic Development Director, Rosann Fillmore informed the Commission that this item was on the agenda for information. She noted that originally the State funds for Economic Development were allocated to Metro and the Association of Governments. State funding has now been reassigned which allows for local economic development groups to make application by themselves. She indicated they were setting up meetings to find out what those guidelines are and that the rural economic development groups proceed with worthy projects.

However, the Commission noted that they could and should still support worthy AOG projects.

(20)

#### BUILDING INSPECTION AGREEMENTS

Planning and Zoning Director, Bryant Anderson presented to the Commission for their review building inspector contracts for Castle Dale, Cleveland, Clawson and Elmo. He noted that Emery is expected to approve theirs Tuesday night. All have signed the contracts. Therefore, he presented them to the Commission for Commission approval.

Whereupon, motion was made by Commissioner Mark Justice to approve the Agreements with those towns as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(21)

#### PLANNING & ZONING - APPROVAL OF CALLING CARD

Planning and Zoning Director, Bryant Anderson recommended to the Commission that he be authorized to secure a calling card for use by his department while inspecting various locations as the need arises to make long distance calls for clarification. Therefore, motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to authorize the securing of a

calling card by Planning and Zoning for use in building inspection purposes. Motion was approved by all members present.

(22)

AUDITOR'S BUSINESS

A) Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #72937 through and including #73151 for payment.

Req. #	Description	Amount	Approved
31	Leading Edge Computer with printer - Personnel	1,800.00	Approved
32	Ambulance Cot for Emery - Ambulance	1,524.00	Approved
33	Replace and/or upgrade of water heating and circulation system - Nursing Home	7,000.00	Approved
34	Copier for Green River - Sheriff	8,500.00	Approved

Motion was made by Commissioner Dixie 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.

B) Disposition of Fixed Assets - Auditor, Karen Truman presented to the Commission a disposition form covering a cab on an HD-21 which has been recommended for trade-in by the Road Department.

Motion was made by Commissioner Mark Justice to approve the disposition of an HD-21 cab as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(23)

COMMISSION MINUTES

The minutes of the June 15, 1994, Commission meeting were postponed at this time to allow sufficient time for review.

(24)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Library - Requests approval to promote Loyette Myerhoff from Assistant Librarian in Huntington at a Grade 4, Step A or \$7.22 per hour to Branch Librarian in Elmo at a Grade 7, Step B or \$8.34 per hour. Loyette will replace Roxann Bohn who resigned.

Further, the Department requests approval to hire Catherine Cowley as Assistant Librarian in Huntington at \$6.00 per hour effective July 6, 1994.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the promotion of Loyette Myerhoff as presented.

Motion was approved by all members present.

B) Road Department - Requests approval to promote Zen Majors from an Operator II at a Grade 10, Step K or \$11.31 per hour to a Crusher Crew Leader at a Grade 14, Step F or \$12.17 per hour, effective July 4, 1994.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the promotion of Zen Majors as presented. Motion was approved by all members present.

C) Temporary Employees - Presented for consideration and approval was Resolution 7-6-94A. Said Resolution amends the Personnel Policy where it applies to hiring temporary employees, section 6, paragraph 6.5.

After review and discussion, motion was made by Commissioner Mark Justice to approve Resolution 7-6-94A with the following changes in that section 6.5.A that the Commission shall approve the appointment and also in Section 6.6.D that the appointment should be approved at the next Commission meeting. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

D) Wage Increase - The following statement will be put in pay checks on July 8: The 1994 cost of living adjustment was split into two increments. The first increment of the adjustment was given effective with the work period beginning January 3, 1994. The balance of the adjustment is effective with the work period beginning July 4, 1994. This mid-year adjustment coincides with a one-step increase on the current grade. The raise in pay will show on pay checks received on July 22, 1994.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the notice to be put in the pay checks of July 8.

Motion was approved by all members present.

E) State Parks Concession Workers - The following young people have been hired to fill the concession worker positions at Millsite State Park and Huntington State Park beginning July 4, 1994, at a rate of \$4.25 per hour: Kelly Rasmussen, Natalie Swasey, Jessica Johansen, Shane Gundersen, Jaylin Leamaster, Lori Roundy, Lisa Roundy, James Sasser, Jeremy Jensen, Quinn Mead, Janarie Farnsworth, Dawn Jensen, Brandon Pierce and Andrew Lamb. Marissa Cox

and Donny Gilbert will serve as supervisors for the workers beginning July 4, 1994, at a rate of \$5.00 per hour.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the hiring of the concession workers as presented. Motion was approved by all members present.

F) Weed & Mosquito Supervisor - Resolution 7-6-94B - A request was made by James Nielsen with approval by his Commissioner to review his job description because it was felt that his job duties and responsibilities have increased so dramatically that an adjustment would be called for. A review of the position verified substantially increased duties and responsibilities. Therefore, presented to the Commission was Resolution 7-6-94B changing the position of Weed & Mosquito Supervisor from a Grade 18 to a Grade 20. It was further proposed that Weed & Mosquito Supervisor, James Nielsen go from a Grade 18, Step H or \$15.00 per hour to a Grade 20, Step H or \$16.33 per hour.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve Resolution 7-6-94B as presented and also to change the Grade and Step of James Nielsen as presented. Motion was approved by all members present.

(25)

#### ROAD DEPARTMENT BUSINESS

Motion was made by Commissioner Mark Justice to authorize Personnel Director, Pat Snowball to begin the advertisement process for a full-time position of an operator at the County Landfill. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(26)

#### EXECUTIVE SESSION

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson and approved by all members present to adjourn into executive session at 12:46 p.m. Those present during all or part of the executive session were Mark Justice, Dixie Thompson, Kent Petersen, David Blackwell, Bruce Funk, Karen Truman, Lamar Guymon, Rex Funk and Carol Ware. Discussed were pending and possible litigation.

The Commission reconvened its regular Commission meeting at 1:11 p.m.

(27)

#### MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the Commission meeting at 1:11 p.m.



ComMin7-20-94

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

July 20, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

The invocation was given by Clerk, Bruce C. Funk.

(1)

MILES MORETTI - DWR UPDATE

Miles Moretti of the Division of Wildlife Resources came before the Commission as part of the quarterly update and as a follow-up to the previous Commission meeting. The Commission at that time inquired as to the spraying of the weeds in the Desert Lake area. Mr. Moretti informed the Commission that people from his department had sprayed their property. He informed the Commission that toilet facilities have now been installed at Cleveland and Miller's Flat.

Therefore, the Commission should be receiving their portion of the bill for those facilities. He expressed appreciation to the Orangeville First Ward for the garbage and litter removal efforts which they did on July 16 at Cleveland and Miller's Flat. This consisted of 14 youth and 4 adults. He also discussed drought concerns and the effect on wildlife particularly in the management of big game and fish stocking. He also discussed bear problems in the Timber Lake area. He informed the Commission that the Wildlife Board is having a meeting on August 11 and 12 at 9:00 a.m. at the Geary Theater in regards to the cougar. He also updated the Commission that the hunts have been under subscribed and therefore permits will be available August 1 on a first-come, first-serve basis.

(2)

COMPREHENSIVE PLANNING PROJECT UPDATE

Tracy Jeffs gave the Commission an update on the Emery County Comprehensive Planning project. He informed the Commission that they have been working with Project 2000 and Bear West. They are working on a plan which he anticipates

to be adopted in the next six to eight months. He discussed the purpose of what the plan is to accomplish. It will have its most value in working with governmental agencies. Among those desired goals are a 100 mile view, clean pure water, correlation between government agencies and Emery County. Also, it would be desirable to correlate UP&L activities such as the exchange of property with the Division of Wildlife Resources. A survey of the

public listed the most important things are low crime, scenic view, the need for more jobs and the quality of life here.

Commissioner Dixie Thompson requested that the group look more closely at the RS-2477 roads as well as the endangered species on the Colorado River.

Mr. Jeffs pointed out that in regards to the property transfer from UP&L to the DWR, that the County should have been involved in that exchange, noting that it will have an impact and any future actions do have impact on the County. He felt that the plan being generated would serve as a pattern throughout Utah and the West as a process (not the plan itself). He further discussed numerous upcoming issues.

The Commission expressed appreciation to Mr. Jeffs for his efforts in this area.

(3)

#### MEMORANDUM OF UNDERSTANDING - HUNTINGTON CANYON AND ECCLES CANYON SCENIC BYWAYS

Commissioner Mark Justice informed the Commission that the Huntington Canyon and Eccles Canyon Scenic Byways have been awarded \$610,132 by the Federal Highway Administration. This between the Department of Agriculture, the Forest Service, the U.S. Department of the Interior, the BLM, the Division of Parks and Recreation, the U.S. Department of Transportation, the Carbon, Emery, Sanpete Counties and Canyonlands Natural History Association. Wherein, each of these agencies agreed to implement the Huntington Canyon and Eccles Canyon Scenic Byways wayside exhibits interpretive master plan.

The purpose of bringing this before the Commission at this time is to initiate the memorandum of understanding and appoint a project manager from Emery County. It was his recommendation and motion that the Commission appoint Rosann Fillmore to be the Emery County representative. Also, to approve the memorandum of understanding and initiate the process by Emery County signing that agreement. It was noted this involves no funding from Emery County. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

## REPORT FROM RE-INVENT COUNTY GOVERNMENT COMMITTEE

Three members from the Re-Invent County Government Committee were present at this time. Clyde Conover serving as Chairman, together with Max Ralphs and Clyde Thompson. Clyde Thompson discussed briefly the purpose and the organization of the Committee. The main purpose being that of looking at ways Emery County may provide the services while saving the tax payer dollars. They have taken input from various organizations and individuals, particularly those department heads and elected officials of the County. Clyde Conover then reported to the Commission on the Committees findings.

The Committee feels very strongly that the County Commissioners should live within the budget. The budget that is set should be lived by.

There seems to be a lot of travel. This is understandable, but the Committee feels that there should be car pooling going on.

The PILT mineral lease money should not be used towards the budget. Keep the money in reserves for emergency use. Then at the end of the year, whatever is left over use this money as seen fit to use.

The Committee feels the County should get rid of the Scrip card. They recommend the insurance deductible be increased, with families at \$500 and individuals at \$150. The employees should pay 25% of the premium. Regarding liability insurance, the employees need risk management training.

Planning and Zoning, along with the building inspector should be placed under the direction of the Clerk's office.

In regards to the Assessor's office, the Committee does not feel the temporary employee should be replaced. They would like to combine employees or work together with the Recorder's office. The employee should be used in both offices as needed.

The Road Department needs to have a higher ratio of laborers to operators. They suggested that each road be given a number and classification. This would be done so when either the County builds or rebuilds a section of road, both the County and the contractors would have the same specs and standards. (Contractors complain because they have to build to different specifications than the County roads specifications.) They would like to see the County not competing with local business.

They suggest the County have only one data processing employee. They would like to see computer programming contracted out as needed.

In regards to the Sheriff's office, they suggest the County continue with the

dare program because prevention will benefit Emery County in the long run.

The Committee would like to see the Commission take serious consideration on evaluating ways to cut the budget due to valuation decreasing in the County.

Commission Chairman Kent Petersen, as well as the full Commission expressed appreciation to Clyde Conover and other members of the Committee who have served diligently in this effort.

(5)

PUBLIC HEARING - EMERY COUNTY CLASS ONE MUNICIPAL LANDFILL  
LEASING APPLICATION  
AND OTHER MATTERS

Commission Chairman Kent Petersen opened the meeting for a public hearing at 7:10 p.m. to receive public comment regarding the Emery County Class One Municipal Landfill Leasing Application.

Corey Player of Tahoma presented to the Commission drafts of the proposed landfill regulations. He also furnished one copy to be placed in the County Clerk's office. The public is requested to make comments directly in the book to be placed in the County Clerk's office. Participation is encouraged in that matter. She discussed recycling and other waste reduction programs. She indicated this is a benefit to the citizens.

Julie Johansen noted that the elementary would like a year-long centennial project which might be under "Don't Waste Utah". She inquired if containers would be made available at the school.

Road Superintendent, Rex Funk indicated that this would be determined after they receive the input from the public and determination is made as to the interest on behalf of the schools.

Commission Chairman Kent Petersen inquired if there were any other public comment. There being none, he closed the public hearing at 7:24 p.m.

(6)

1994 EMERY COUNTY FAIR FINANCIAL REPORT

Fair Chairperson Sharon Earl presented to the Commission an income and expenditure report for the Fair. She noted that two signatures are required to write a check. She gave a report of the upcoming activities and solicited greater support for the concert. She anticipated revenues of approximately \$10,000 compared to previous years of approximately \$3,000. In conclusion, the Commission expressed appreciation to Mrs. Earl for her efforts and the members of the Fair Board.

(7)

EMERY COUNTY HUMAN SERVICE CLIENT COMMITTEE - REQUEST FOR DONATION

Cliff Elliott of the Emery County Human Services Client Committee informed the Commission that they are in receipt of approximately \$984.45 from donations. Emery County's portion of food from the Carbon/Emery Food bank will be delivered to Emery County and made available through their new location.

Their purpose in coming before the Commission was to solicit additional funding. It was noted that they anticipate receiving approximately \$2,000 from the United Way. Therefore, their request of the Commission was for the balance which would be \$4,012.90.

Commissioner Mark Justice commended them for their independence and self sufficiency. Therefore, it was his motion that the Commission through the year 1994 allocate \$1,500 to be taken from dues and contributions with the

request that they submit a letter of request for those funds anticipated for the year 1995. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT - BOARD APPOINTMENTS

Commissioner Mark Justice informed the Commission that two cities have yet to make their appointments to the Emery County Fire Protection Special Service District. He has now received Emery's recommendation in that the Commission appoint Richard Childs to that Board.

Whereupon, motion was made by Commissioner Mark Justice to appoint Richard Childs to a four-year term representing Emery Town on the Emery County Fire Protection Special Service District. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

RECOGNITION OF COMMISSION SUPPORT FOR ACTIVE RE-ENTRY PERKIE TRAVEL

Treasurer, JoAnn Behling presented to the Commission a plaque in support of the County providing a van which is used to transport County residents to Utah Valley Hospital for treatment. The Commission indicated that the van would be available as long as needed. The Commission further expressed appreciation to

JoAnn for her involvement.

(10)

#### PROPERTY TAX ADJUSTMENT - EMERY COUNTY PROPERTY

Treasurer, JoAnn Behling informed the Commission that Emery County acquired a property at the May Tax Sale which has taxes due in the amount of \$588.47. It was her suggestion and inquiry of the Commission if they would like to adjust and remove those taxes from that property.

Whereupon, motion was made by Commissioner Mark Justice to adjust and remove the taxes from the records in the Treasurer's office on that property acquired by the County at the May Tax Sale. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### ADOPTION OF THE 1994 PROPERTY TAX RATES

In the Commission meeting of July 6, 1994, the Commission held a public hearing in regards to setting the tax rate and at that time had adopted tax rates. It was therefore, motion of Commissioner Mark Justice at this time to adopt and ratify the tax rates approved in the Commission meeting of July 6, 1994, as outlined in those minutes for the Emery County General Fund, Flood Control, Library and Assessing and Collecting. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

In regards to the Castle Valley Special Service District, Commissioner Mark Justice inquired if it was possible to delay the action to allow sufficient time to meet with the Board. It was noted that the overall tax increase is slightly higher than last year.

Auditor, Karen Truman noted that because of deadlines and the need to include a tax rate on the disclosure next week, she has suggested that the commission proceed with the previously approved .002845 total tax rate for the Castle Valley Special Service District. She noted this would allow time to talk to the Board members of the District and any final tax rate could be included in the final tax notice.

Whereupon, motion was made by Commissioner Mark Justice to adopt and ratify the previously approved tax rate. It being the consensus of the Commission to later consider the final rate for the Castle Valley Special Service District. This would allow the disclosure notices to be mailed at the proposed rate. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(12)

RESOLUTION ADOPTING THE 1994 EMERY COUNTY BUILDING AUTHORITY  
BUDGET - RESOLU-  
TION 7-20-94A

Presented to the Commission was Resolution 7-20-94A. Said Resolution establishes the budget for the Emery County Building Authority with revenues at \$99,000 and expenditures at \$99,000 for the purchase of the Health Department building. Therefore, it was the motion of Commissioner Mark Justice to adopt Resolution 7-20-94A as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

HUNTINGTON AIRPORT MANAGEMENT CONTRACT

Commissioner Dixie Thompson introduced Kevin Robertson who reported that at the present there isn't much interest in aviation by Emery County people. He is in the business of selling ultralights and would be interested in managing and maintaining the facilities there.

Whereupon, motion was made by Commissioner Dixie Thompson to enter into a contract with Mr. Robertson for operating the airport. This is in the hopes of keeping the facility open and functioning, to supply fuel as well as radio contact. Included in her motion was to start the process by asking that the County Attorney's office prepare the necessary contractual forms as well as properly notifying those who are presently at the facility to vacate and formally end the relationship with the former operators. Discussed was the fixed assets belonging to the County. Motion was seconded by Commissioner Mark Justice and approved by all members present. Effective date of 60 days was discussed and somewhat agreed upon.

(14)

APPROVAL OF THE 1994 BUDGET AMENDMENTS - RESOLUTION 7-20-94B

Auditor, Karen Truman provided to the Commission the proposed 1994 amended budget in the form of Resolution 7-20-94B. She informed the Commission that this reflects the corrected property tax rate as approved by the Commission, noting the adjustments in the property tax revenues.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 7-20-94B which amends the 1994 Emery County General Revenue and Expenditure Budget, noting it reflects the tax rate as approved at the previous Commission meeting. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

At this time Commissioner Mark Justice suggested for discussion that over the next 30 days any budgets needing adjustment such as the senior citizen contract. That the Auditor review and prepare any necessary public notices for Commission review on August 3 and final consideration at the August 17 Commission meeting.

(15)

RELEASE OF LIEN - WETHERINGTON PROPERTY

Treasurer, JoAnn Behling informed the Commission that in regards to the Wetherington properties in which the County gave an extension for their taxes. They have now paid those property taxes due Emery County. Therefore, it was her recommendation that the County release the lien against certain properties.

Whereupon, motion was made by Commissioner Mark Justice to release the lien held against Wetherington property by the County. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

DOLAR OIL LEASE AGREEMENT

County Attorney, David Blackwell reviewed his discussions with Jim Cooper of Dolar Oil Company. He noted that Dolar has agreed and added that the lessor specifically refuses to warrant title to the lands described therein.

However, he pointed out that they would not agree to not drill beyond the coal seam. He also pointed out that there has been an adjustment to the amount, finding that Emery County did not own the mineral rights to certain properties. Therefore, they have submitted a check in the amount of \$11,133.75.

Whereupon, motion was made by Commissioner Mark Justice to accept the lease agreement as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

AUDITOR'S BUSINESS

A) Warrants and Requisitions - Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #73399 through and including #73662 for payment.

Req. #	Description	Amount	Approved
35	Freezer for Huntington		



concession stand - Economic  
Development 398.00 Approved

36 Two defibrillators - Ambulance 13,495.00 Approved

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the warrants for payments and the requisitions for purchase. Motion was approved by all members present.

B) Disposition of Copy Machines from the Library - Presented were disposition forms on four Toshiba copy machines from the Emery, Ferron, Castle Dale and Cleveland libraries fixed asset numbers 004795, 004680, 004688 and 005730. Methods of disposition were discussed. Motion was made by Commissioner Mark Justice to approve the disposition of the copy machines first by trade-in and secondly to sell at the County auction. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(18)

#### COMMISSION MINUTES

The minutes of the June 15, 1994, Commission meeting were reviewed. Motion was made by Commissioner Dixie Thompson to approve the minutes as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

The minutes of the July 6, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Mark Justice to approve the minutes as corrected. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

#### COMMISSION REPORTS

Commissioner Mark Justice:

1. He reported on meetings with the State Office of Economic Development wherein grant monies are available on a local level.
2. He discussed meetings which himself, Sheriff, Lamar Guymon, and Auditor, Karen Truman met with the Department of Labor to discuss the EMT's. He pointed out that if it is a non-restrictive on-call, the County would not be legally required to compensate them. Therefore, making them County employees under such a structure would be at minimum cost to the County.

Commission Chairman Kent Petersen:

1. He discussed the upcoming COG meeting.

(19)

ROAD DEPARTMENT BUSINESS - DISPOSAL OF FIXED ASSETS

Superintendent, Rex Funk informed the Commission that they had previously approved the disposition of a dozer for a forklift. He has since changed his mind and would like to trade that for a trash compactor. Whereupon, motion was made by Commissioner Dixie Thompson to approve the trade-in of the dozer for a trash compactor as requested by Road Superintendent, Rex Funk. Motion was Commissioner Dixie Thompson and approved by all members present.

(20)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel matters for Commission consideration:

A) Approval of Up to 90-Day Hiring - Submitted are individuals who have been appointed by elected officials/department heads for the up to 90 day period: Jami Luce in the Auditor's Office effective 7-11-94 and Ashley Riddle in the Assessor's Office effective 6-7-94.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the up to 90 day period hiring of Jami Luce and Ashley Riddle as presented. Motion was approved by all members present.

B) Amendment to the Personnel Policy - Submitted was an amendment to the Personnel Policy with regard to Section 5, Hiring and Rehiring for New and Vacant Positions.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the amendment to the Personnel Policy as presented. Motion was approved by all members present.

C) Job Description Update - Request was made by two departments, the Commission Office and the Road Department to review the positions of Commission Secretary and Road Department Office Manager; that duties in these two positions had changed significantly.

A review of the position verified substantially increased duties and responsibilities. A new job description was written which in such a way as to allow it to be used by any department.

Mrs. Snowball proposed that the two individuals occupying the above-stated positions be raised to a grade 14 and that Leslie Bolinder go from 10D or \$9.87 per hour (includes July 4 COL) to 14A or \$10.95 per hour and that Carol Ware go from 10M or \$11.73 per hour (includes July 4 COL) to 14F or \$12.17 per

hour.

This is not proposed as a promotion, but a job description update based on increased duties and responsibilities.

It appears that this position meets the criteria of an administrative exemption under FLSA and any employee filling the position should be exempt from overtime pay.

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the job description updates and that Leslie Bolinder be changed from a 10D or \$9.87 per hour to a 14A or \$10.95 per hour and Carol Ware be changed from a 10M or \$11.73 per hour to a 14F or \$12.17 per hour. Motion was approved by all members present.

D) Health Insurance Renewal - Submitted were the 1994 renewal documents for signature. Motion was made by Commissioner Mark Justice that the Commission approve the 1994 renewal documents for the Health Insurance as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

E) County Party - Submitted for Commission consideration was a request to purchase items for the upcoming County Party. These items include: ID kits for kids, tote bags with an "Emery County Employees" imprint, cotton visors, drink bottles and name tags. Approximate cost for these items is \$800.

Motion was made by Commissioner Mark Justice to authorize Personnel Director, Pat Snowball to proceed with the County employee party provided that she keep those costs within the approved budget. Motion as seconded by Commissioner Dixie Thompson and approved by all members present.

(21)

#### EXECUTIVE SESSION

Motion to adjourn into Executive session at 9:07 p.m. was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson. Motion was approved by all members present. Those present during Executive Session dealing with litigation matters were County Attorney, David Blackwell; Commissioners Kent Petersen, Dixie Thompson and Mark Justice; Road Superintendent, Rex Funk; Carol Ware; Auditor, Karen Truman; and Clerk, Bruce C. Funk. Those present during Executive Session dealing with personnel matters were Personnel Director, Pat Snowball; Jerilyn Mathis; County Attorney, David Blackwell; Commissioners Kent Petersen, Dixie Thompson and Mark Justice; Auditor, Karen Truman and Clerk, Bruce C. Funk.

(22)

RECONVENE REGULAR COMMISSION MEETING

The Commission reconvened the regular meeting at 10:11 p.m. At this time motion was made by Commissioner Dixie Thompson to keep librarians Loyette Myerhoff, Roxann Bohn and Catherine Cowley. Also, that they work out a flexible program and meet with those individuals to work out the details. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(23)

MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the Commission meeting at 10:13 p.m.

ComMin8-3-94

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

August 3, 1994

Those present at the meeting were Commissioners Kent Petersen and Mark Justice; County Attorney, David Blackwell; and Deputy Clerk, Julie Winn. Commissioner Dixie Thompson was out of town.

The meeting was called to order by Commission Chairman Kent Petersen at 9:05 a.m.

The invocation was given by Weed & Mosquito Supervisor, James Nielsen.

(1)

PUBLIC HEARING - EXPENDITURE OF FAS FUNDS

Commission Chairman Kent Petersen opened the meeting to a public hearing at 9:10 a.m. to receive public comment on the expenditure of FAS funds on Emery County Road FAS #0334, the Lawrence Westerly and Bridge Replacement Program funds to replace the Price River Bridge and the Lower San Rafael River Bridge, also known as Project BRD-LC13(2).

Craig Johansen, of Johansen and Tuttle Engineering, addressed the Commission.

He informed them a Public Hearing was held one year ago on two different occasions. However, the first public hearing was not properly noticed and the second was not properly recorded. Therefore, this public hearing was needed today. Mr. Johansen then informed the Commission what the projects entail.

Larry Davis requested Mr. Johansen to clarify the projects, to which Mr. Johansen responded. Mr. Johansen indicated the substructure on the Lawrence Westerly road has failed and the two bridges as discussed need to be replaced.

There being no other public comment, Commission Chairman Kent Petersen closed the Public Hearing at 9:15 a.m.

(2)

MAUGHAN GUYMON - SOUTHEASTERN UTAH AREA AGENCY ON AGING

Maughan Guymon, director of the Southeastern Utah Area Agency on Aging, came before the Commission and presented the following items.

A) Award - Mr. Guymon presented to James Nielsen, Weed & Mosquito Supervisor, the Help A Friend Award for his help with the USDA food delivery at the Ferron Nutrition Center.

B) FY 1995 Contract - Mr. Guymon presented to the Commission for their consideration the Fiscal Year 1995 contract for provision of Aging services to the citizens of Emery County. Mr. Guymon informed the Commission that they to open their budget and increase it by \$6,000. This represents part of a \$12,000 wage increase for their employees, or a 7% increase per employee. Commissioner Mark Justice commented that the Aging Services employees have not received any type of wage increase in 4 years. Mr. Guymon further reminded the Commission of their previous commitment for match funding of \$7,700 for purchase of a van.

Whereupon, motion was made by Commissioner Mark Justice to accept and approve the FY 1995 contract as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(3)

DON OWEN - HUNTINGTON AIRPORT DISCUSSION

County Attorney, David Blackwell informed the Commission that he had sent a letter to Don Owen indicating the County would like to take the option to terminate the contract with him for operation of the airport.

Mr. Owen came before the Commission to discuss his contract for operation of the Huntington Airport. He addressed some of his concerns with the Airport and the operation of the same and the need for a full-time operator at the facility.

At this time, Commissioner Mark Justice informed Mr. Owen that Commissioner Dixie Thompson is the Commissioner responsible for supervision of the airport. He informed Mr. Owen that they acted on Commissioner Thompson's recommendations to terminate his contract.

Whereupon, after further discussion, it was the consensus of the Commission and County Attorney, David Blackwell that a meeting be set for Wednesday, August 17, 1994, at 2:00 p.m. for Mr. Owen, all of the Commissioners and himself to further discuss the concerns of the airport and any conflicts that may be present with regards to the same.

(4)

#### ROSANN FILLMORE - ECONOMIC DEVELOPMENT

A) Report on Mining/Tourism Conference - Economic Development Director, Rosann Fillmore reported to the Commission on a conference she recently attended involving Oil, Gas and Mining. She indicated from the meeting there is much interest in preserving old mining towns such as Hiawatha. She indicated they are interested in preserving them for tourism such as has been done in Park City. She also discussed the Utah Heritage Mining Project. She indicated she will continue to stay involved in this process.

B) State Park Concessions - She indicated the State Parks want to contract with the County for concession stands again next year as was done this year. She indicated the intent of the State Parks is the third year to go out for bids. She also presented contracts for the building of the concession stands at the parks.

Whereupon, motion was made by Commissioner Mark Justice to approve the contracts as presented with the comment that all contractors are from Emery County. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(5)

#### BUILDING INSPECTION CONTRACTS

Motion was made by Commissioner Mark Justice to ratify the approval of the building inspection contracts with the various towns in Emery County. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(6)

#### DISCUSSION OF GENERAL ELECTION

At this time, the Commission requested County Attorney, David Blackwell to clarify two issues regarding County employees and the General Election.

A) Employee Political Activity - Mr. Blackwell read from section 12-2-C of the Emery County Personnel Policy as follows: No officer or employee covered by the career service system shall be an elected or paid officer of any political party or club at the state-wide or county-wide level or take an active part in the management of any partisan or non-partisan political campaign. A County career service employee may voluntarily contribute funds to political groups and become a candidate for public office. The intent of this provision is to allow the individual freedom of political expression and to allow career service employees to serve as voting district officers and as state or county delegates without jeopardizing public programs for which he or she is responsible.

Mr. Blackwell also read from section 12-2-D of the Emery County Personnel Policy: No County officer or employee whether elected or appointed, may directly or indirectly coerce, command, advise or solicit any officer or employee covered under the career service system to pay, lend or contribute part of his or her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No county officer or employee, whether elected or appointed may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organizations, agency or person engaged in a political activity.

Commissioner Mark Justice indicated he would like to see that County employees not attach themselves to political campaigns. He feels it is not in the best interest of the County.

County Attorney, David Blackwell indicated the County employees should not be involved in political activity while on duty and not to use the County facilities for the same. However, when the employee is off duty, that is different.

It was the consensus of those present that a memo be drafted to include a copy of the personnel policy to be included with the paychecks to each employee so they will know what the County policy is in regards to political activity. It was also the consensus that candidates have access to County copy machines, but will be charged the same rate for the copies as others.

B) Employees as Candidates - Commissioner Justice indicated that it is the policy of the County that when an employee is running for the same office against his boss, 60 days prior to the election the employee is to inform the county of whether he wishes to take the time off without pay, but his insurance benefits will continue or to be relocated elsewhere in the County.

Commissioner Justice was directing this towards Sheriff Guymon, as this situation is present in his office.

(7)

#### REVIEW OF 1994 BUDGET AMENDMENTS

Auditor, Karen Truman asked the Commission if it is their intent to reopen the budget at this time. After further discussion, it was the consensus of the commission to wait and adjust any problems areas at the end of the year.

(8)

#### EMERY COUNTY FIRE PROTECTION SPECIAL SERVICE DISTRICT - BOARD APPOINTMENT

Motion was made by Commissioner Mark Justice to appoint Debbie Jones from Elmo to the Emery County Fire Protection Special Service District Board. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(9)

#### AUDITOR'S BUSINESS

Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #73385 through and including #73972 for payment.

Req. #	Description	Amount	Approved
37	Outboard Motor - Weed & Mosquito	500.00	Approved
38	MVS Radio - Road	488.00	Approved

Motion was made by Commissioner Mark Justice to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Auditor, Karen Truman also presented to the Commission disposition of fixed assets on the following items. From the Economic Development Department, a NEC LS 780 Printer, fixed asset #5174. This printer's repair costs are excessive and it is wiser to purchase new printer. Mrs. Truman indicated it needs to be determined whether to junk this printer or sell it at the next County auction. From the Road Department, a General Electric MVS radio, unknown fixed asset #. This radio was stolen from equipment in the Green River area.



Motion was made by Commissioner Mark Justice to approve the disposition of the printer and radio as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(10)

#### COMMISSION MINUTES

Motion was made by Commissioner Mark Justice to approve the minutes of the July 20, 1994, Commission meeting as corrected. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

#### COMMISSION REPORTS

Commissioner Mark Justice:

1. He reported on his recent attendance at a NACO convention and went over some of the legislation which is pending.

Commission Chairman Kent Petersen:

1. He informed those present that the comment period for the grazing reform has been extended to September 6.
2. He indicated the County has 60 days to comment on the proposed regulations for RS-2477. Leslie Bolinder has copies of the federal register.

(12)

#### ASSESSOR'S BUSINESS

Assessor, James Fauver indicated he has been asked by Chirage Investments, owners of the Village Inn Motels in Castle Dale and Huntington to approach the Commission about abating the penalties and interest for the 1992 taxes on those two properties. Mr. Fauver discussed with the Commission the reason the taxes were not paid. After considerable discussion, it was the consensus of the Commission and motion of Commissioner Mark Justice to deny the request of Chirage Investments for abatement of the penalties and interest of the 1992 taxes for the properties as discussed. This is done on the basis that Chirage Investment has legal recourse against the sellers of the property for reimbursement of the taxes which should be pursued first. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(13)

EXECUTIVE SESSION

Motion was made by Commissioner Mark Justice to adjourn to Executive Session at 10:50 a.m. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present. Those present during Executive Session were: Commissioners Kent Petersen and Mark Justice; County Attorney, David Blackwell; Commission Secretary Leslie Bolinder; Road Superintendent, Rex Funk; Road Secretary Carol Ware; Assessor, James Fauver; Auditor, Karen Truman; and Deputy Clerk, Julie Winn. Discussed during Executive Session were matters of pending litigation.

Executive Session adjourned at 11:30 a.m. and the Commission reconvened the regular Commission meeting.

(14)

TAX LITIGATION WITH UTAH POWER AND LIGHT

After discussion, motion was made by Commissioner Mark Justice that the County Attorney's office be directed to respond to Mr. Peters recommendation to try to speed up the litigation process with the Tax Commission and Utah Power and Light. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(15)

MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 11:45 a.m.

ComMin8-17-94

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

August 17, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice

and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

#### APPROVAL OF BUSINESS LICENSE

Clerk, Bruce C. Funk presented to the Commission the business license application for Woodside Services. This is for a service station and convenience store at the Woodside location. This having been approved by Planning and Zoning Administrator, Bryant Anderson. Motion was made by Commissioner Mark Justice to approve the business license application for Woodside Services as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(2)

#### UTAH POWER AND LIGHT - PACIFICORP UPDATE

Larry Ellertson, together with Gene Hess addressed the Commission. Mr. Ellertson informed the Commission that the pamphlets on home energy are available. He discussed the de-commissioning of the power plant in Provo Canyon. Of prime importance was that Pacificorp would like to work with the County in refinancing additional pollution control revenue bonds. His request of the Commission was for a future audience with the Commission to discuss this further. They are anticipating that refinancing would take place this fall, perhaps late September.

The Commission indicated a willingness to work with Pacificorp on this issue and asked that they coordinate schedules with the Commission secretary.

Mr. Ellertson also discussed with the Commission the issue of allowing large users of electricity to shop for utility options. He noted that Pacificorp does support the concept. It is customer driven because of competition. He noted that Pacificorp has some advantages over neighboring utilities.

Commission Chairman Kent Petersen inquired as to the trees which were to be installed at the Hunter Plant. Mr. Ellertson noted that his discussion with Brent Harvey is that those trees have either been planted or is in the process.

Motion was made by Commissioner Mark Justice to agree in concept and work with Pacificorp on the bond issues according to their time table. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### FOREST SERVICE UPDATE

Charles Jankiewicz, from the Forest Service, came before the Commission to update them in regards to activities on the Forest. He began by noting that in regards to the Ferron Reservoir, the Division of Wildlife Resources feel that the repairs will be completed within the next 30 days. He discussed briefly the monitoring of springs. This being done by Jay Mark Humphrey. He noted that members of his staff have been involved in fighting fires. Therefore, have not been available for progress on other activities. He noted the completion of the ATV trail from Spoon Fork to Millers Flat. They have closed a number of roads as originally outlined in the travel management plan.

At this time, Commissioner Dixie Thompson indicated she wanted to be on record as opposing the closure of any roads.

Also noted was the South Manti salvage sale. This is approximately 10 million board feet of timber killed by bug infestation. Because of the drought, livestock permittees on the East Mountain and Trail Mountain are being sent a letter indicating the need to remove livestock from those. He further discussed the blaze of glory timber sale. He noted that Rue Ware has been in contact with his office in regards to advertising only in the Sun Advocate. He noted their future policy would be to also include Emery County when Emery County is effected. He noted the Bureau of Reclamation's early warning system on the Grassy Lake has been installed. Discussed were slides on the Orangeville/Ephraim road as well as other road projects. He noted the retirement of George Morris, effective September 29, 1994. He discussed graveling certain portions of Ferron Canyon.

(4)

#### DARREL WILCOX - ANIMAL CONTROL ORDINANCE - ELMO TOWN

Mayor Darrel Wilcox, Elmo Town, informed the Commission that his community has a severe dog problem. He noted that previously their council had adopted the County Ordinance 7-9-80E, on approximately April 7, 1981. In said Ordinance Emery County is the licensing authority as well as the control. The Commission inquired of Mr. Wilcox of any efforts in the licensing and collecting or enforcement in the past. Mr. Wilcox indicated there has been little or no activity in that area. He indicated he has met with Sheriff, Lamar Guymon who suggested that this matter be reviewed with the Commission.

It was the consensus of the Commission that this matter would be reviewed further and they would get back to Mr. Wilcox.

At this time, Commissioner Mark Justice noted that the County has not previously enforced any City or adopted County Ordinance in Cities. The County has

only picked up animals from cities after the cities have picked them up.

(5)

#### FAIR BOARD REPORT

Fair Chairperson, Sharon Earl summarized the financial report for the Emery County Fair. She noted that she has had an excellent Board to work with. They have devoted much time and effort to the successfulness of the County Fair. They have had good reviews. The Bellamy Brothers was exceptional. It was pointed out that they only had 480 paid attendees, resulting in a net loss of about \$13,262. The rodeo had excess funds in the amount of \$2,500. The horse races lost \$2,100. With the rental booths and all other revenues, the Fair had a net loss of approximately \$8,000 overall. The Commission suggested that she meet with Auditor, Karen Truman to work out how to best submit those claims for Commission consideration.

The Commission commented on the successfulness of the fair and expressed appreciation to Mrs. Earl and others who participated.

(6)

#### EMT EMPLOYEE STATUS

Commissioner Mark Justice by motion proposed to change the EMT's from the present paid volunteers to County paid volunteer employees who are exempt, non-restrictive volunteers, according to the wage and hour division of labor. They will receive no on-call compensation nor benefits. The County increase their compensation according to the withholdings of 7.65%.

At this time Commissioner Dixie Thompson questioned as to whether the County had sufficient monies budgeted. She also questioned the number of employees this would be.

Commissioner Mark Justice indicated the cost would be approximately \$9,000. There would be annual cost of living increases. He noted that ambulance rates have increased revenues \$30,000 to \$40,000. The County has not adjusted the wage rate for approximately four years.

Darrel Wilcox inquired to unemployment compensation. He noted that many times it makes them a more formalized group and would required additional staffing.

Commissioner Mark Justice noted that this proposal would not change the present structure or organization. They are simply on-call employees.

Auditor, Karen Truman noted that they would be exempt from the County personnel policy and those benefits.

Whereupon, Commission Chairman Kent Petersen at this time stepped down as

chairman to second the motion and call for a vote. Those voting in favor were Commissioners Kent Petersen and Mark Justice. Commissioner Dixie Thompson opposed the motion. Whereupon, motion passed. Karen Truman noted possible impact on the Auditor's office.

(7)

#### REZONING OF LAND AT THE COUNTY LANDFILL

Economic Development Director, Rosann Fillmore informed the Commission that the County owns approximately two sections in and around the County landfill. It was her request to zone them for inclusion in an industrial park with a job credit resolution similar to what was done at Huntington. Wherein, buyers receive credit depending on the number of employees hired in facilities located on those properties.

County Attorney, David Blackwell recommended that the properties be set up for bid with the Commission giving preference to providing jobs. Otherwise this would conflict with the County's policy.

Therefore, motion was made by Commissioner Dixie Thompson to begin the necessary advertising as well as any additional consideration in rezoning this as an industrial park, with the County offering properties for bid with preference given to those that would provide jobs at that location. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Any agreements are to include a reverter clause.

(8)

#### SALE OF PROPERTY - POLITANO SUBDIVISION - GREEN RIVER

Clerk, Bruce C. Funk informed the Commission that the County Attorney's office has prepared a Notice of Sale covering lot 1, block B of the Politano Subdivision in Green River, Utah. The date of sale is set for September 21, 1994, with the opening of the bids after 6:00 p.m. in the regular Commission meeting. However, bids are to be received by the County Clerk's office prior to 5:00 p.m. on September 20, 1994, and appropriately marked. He further informed the Commission that the Recorder's office has now furnished names of adjacent property owners and notices have been prepared to be sent to those. He asked for Commission approval at this time.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Notice of Sale and the setting of the sale date and times with the minimum amount of \$2,000 on the property. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(8)

HUNTINGTON CITY BOARD APPOINTMENT TO THE EMERY COUNTY  
RECREATION SPECIAL  
SERVICE DISTRICT

By letter from Huntington Mayor, Raymond Martinez, they have recommended the appointment of Harry Halton as the Huntington City representative on the Recreation Special Service District Board. Whereupon, motion was made by Commissioner Dixie Thompson to approve the appointment of Harry Halton as the Huntington City representative on the Emery County Recreation Special Service District. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(9)  
DISTRICT COURT CONTACT AGREEMENT

Clerk, Bruce C. Funk presented the District Court contract agreement for the fiscal year 1994-1995. He noted that it is approximately up \$3,000 from last year due to increases in personnel salary and benefits. The contract is for \$117,389.00. Whereupon, motion was made by Commissioner Dixie Thompson to approve the State Court Contractual Agreement for the fiscal year 1994-1995 as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(10)  
1994 INDEPENDENT AUDIT

Auditor, Karen Truman provided to each of the Commissioners a packet that fully explained the process in soliciting bids for the 1994 Emery County independent auditors. Also provided to the Commission was a list of accounting firms. She suggested that the Commission invite at least three to submit proposals. Thereafter, the names of six firms were discussed. Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commission Chairman Kent Petersen to proceed on soliciting bids for the independent audit for 1994 as discussed. Other types of contracts entered into by the County were discussed. Only mentioned, no action was taken. Motion was approved by all members present.

(11)  
PROPERTY TAX EXEMPTIONS FOR VETERANS, WIDOWS OF VETERANS,  
BLIND AND INDIGENT  
PERSONS

Auditor, Karen Truman presented to the Commission the property tax exemptions for veterans, widows of veterans, blind and indigent. She noted she has reviewed the guidelines and those names appearing on the lists do qualify. She also noted she was awaiting the application from Allene Spadafora of Green

River.

Veterans	Disability
Ward Hayward, Castle Dale	100%
Grant D. White, Cleveland	50%
Dennis F. Carter, Elmo	100%
Roy E. Johansen, Elmo	60%
Jerome L. Gross, Emery	40%
Boyd Jacobsen, Emery	30%
Charles Haddenham, Ferron	40%
Grant M. Fish, Huntington	30%
Jack W. Pruitt, Huntington	30%
Grant J. Wilson, Huntington	100%
A. Dean Wilstead, Huntington	40%
Henry G. Clark, Orangeville	100%
Larry Flitton, Orangeville	100%
Max W. Jensen, Clawson	40%

#### Widows of Veterans

Anna Marie Jones, Castle Dale	100%
Mary Oman, Castle Dale	100%
Iris N. Fullmer, Ferron	80%
Chloe J. Moore, Green River	100%
Allene Spadafora, Green River	30%
Hilma Robertson, Orangeville	100%
Maree P. Ware, Orangeville	100%

#### Blind

Zola Brasher, Castle Dale  
Jesse Fillmore (widow of Cloyd), Castle Dale  
Harvey Brinkerhoff, Huntington  
Cleo M. Johnson, Huntington  
Luella G. Powell, Huntington  
Ama Harold Simmons, Huntington  
Ford Nielson, Huntington

#### Indigent

Patricia Huntington, Orangeville

Whereupon, motion was made by Commissioner Dixie Thompson to approve those property tax exemptions as presented and to also include the one from Allene Spadafora of Green River upon receipt. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present. The Commission



signed the same.

(12)

EMERY AND GRAND COUNTY GREEN RIVER BOUNDARY

Discussed was the request by residents and others in Green River asking Emery County to change the presently established Emery County boundary to the center of Green River. However, after review by County Attorney, David Blackwell and because of changes made by man in the stream bed, such a request is without legal foundation. Suggested was that the Commission contact Grand County. Other jurisdiction problems were addressed. The Commission requested the County Attorney's office to prepare a letter proposing the change and the two options. The first being that of including all of the municipal boundaries of Green River in Emery County and the second to consider the center of the present river channel.

(13)

AUDITOR'S BUSINESS

Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #74246 through and including #74396 for payment.

Req.#	Description	Amount	Approval
39	Computer - Assessor	2,340.00	Approved
40	Cellular One service - Commission	495.00	Approved

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commission Chairman Kent Petersen to approve the warrants for payment and the requisitions for purchase. Motion was approved by all members present.

(14)

COMMISSION MINUTES

The minutes of the August 3, 1994, Commission meeting were presented. Motion was made by Commissioner Dixie Thompson to approve the minutes as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(15)

DIRECT DEPOSIT

Auditor, Karen Truman informed the Commission that they are proceeding with

direct deposit. Wherein, employees may have their payroll checks deposited directly into their checking accounts. She noted the difficulty is that time sheets will have to be in by 9:00 a.m. Monday morning. Those employees who do not get their time sheets in at that time, that she be authorize to pay them for the straight 80 hours and that any adjustments are to be made in the following pay period. Motion to approve the Auditor's request was made by Commissioner Dixie Thompson, seconded by Commission Chairman Kent Petersen and approved by all members present.

(16)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission approval:

A) Landfill - Requested approval to hire Brent Farrer in the "up to 90-days" capacity, effective September 1, 1994, at the rate of \$9.75 per hour. (Later amended through motion to \$10.06 per hour.)

B) Road Department - Requested approval to hire Gayle Wakefield in the "up to 90-days" capacity, effective August 22, 1994, at the rate of \$6.00 per hour.

C) J.P. Court - Requested approval to hire Kris Bell in the "up to 90-days" capacity, effective August 18, 1994, at the rate of \$6.00 per hour.

Motion was made by Commissioner Dixie Thompson and seconded by Commission Chairman Kent Petersen to approve the hiring of Brent Farrer, Gayle Wakefield and Kris Bell as presented. Motion was approved by all members present.

C) Recreation Department - Requested approval to hire Craig Foote in the "up to 90-days" capacity, effective August 4, 1994, at the rate of \$9.75 per hour.

The Commission inquired of Commissioner Mark Justice as to the duties at the recreation department, noting that this is at the same rate of \$9.75 per hour. This is the same as the rate being paid to Brent Farrer at the Landfill.

Commissioner Dixie Thompson inquired as to why Mr. Farrer is not being put on full time. This having been previously approved. Commissioner Mark Justice noted that in his discussions with the Barney's and the development of the incinerator, that in regards to the cost of the landfill and the operation of that and any necessary staffing is uncertain at this time and it would be his recommendation to go with the 90 days this would allow sufficient time to further review the impact of any development in that area.

Whereupon, after further discussion, motion was made by Commissioner Dixie Thompson to amend her original motion that in the hiring of Brent Farrer in

the up to 90-days that the rate of pay be changed to \$10.06 per hour as originally approved. That amendment was seconded by Commission Chairman Kent Petersen and approved by all members present.

Commissioner Mark Justice further discussed the responsibilities of Mr. Foote and the needed repairs, the fixing of fences and improvement of the facilities at the recreation complex as well as Bear Canyon. It would be his preference to hire Mr. Foote rather than do this by contract. His budget would not be over spent. Whereupon, motion was made by Commissioner Mark Justice to approve the hiring of Craig Foote in the up to 90 day capacity, effective 8-4-94 at \$9.75 per hour. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

JOINT RESOLUTION SUPPORTING REINSTATING PRAYER IN PUBLIC SCHOOLS - resolution  
8-17-94

The Commission reviewed a letter received from Scott Arme, Denton County Commissioner, Precinct 3, State of Texas. Said letter requests Commission support of a joint resolution which proposes an amendment to the Constitution of the United States regarding school prayer. Whereupon, motion was made by Commissioner Dixie Thompson to approve Resolution 8-17-94 in support of the joint resolution as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(18)

ROAD DEPARTMENT - WEST HUNTINGTON LOOP

Road Superintendent, Rex Funk informed the Commission of disharmony with the property owners on the Huntington South Loop road regarding the anticipated road project. Mr. Funk suggested to the Commission that funds be diverted to the originally planned project which is the Dinosaur Quarry Road Project.

Commissioner Mark Justice was concerned about the dust problems on the Huntington South Loop road that has been reported by property owners. Mr. Funk assured Commissioner Justice that the department would be graveling and adding a dust suppressant on the road to help alleviate the dust problem.

Whereupon, motion was made by Commissioner Mark Justice to approve the change in road projects. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(19)

CAPITAL HILLS SERVICE

Clerk, Bruce C. Funk presented an invoice from Capital Hills Service. This provides computer access to legislative information at the cost of \$450.00. He inquired of the Commission as to the direction of which to proceed. It was the conclusion of the Commission to not proceed in purchasing this computer access but may consider it at a later time.

(20)

#### MEETING ADJOURNMENT

Motion was made by Commissioner Mark Justice to adjourn the meeting at 9:51 p.m. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

ComMin9-7-94

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

September 7, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

The invocation was given by Clerk, Bruce C. Funk.

(1)

#### CONSIDERATION AND ADOPTION OF RESOLUTION 9-7-94A - CALLING FOR A SPECIAL BOND ELECTION FOR THE CASTLE VALLEY SPECIAL SERVICE DISTRICT

Castle Valley Special Service District Administrator, Darrel Leamaster came before the Commission requesting in that the Commission is the governing board and as such can authorize a bond election, it is the Castle Valley Special Service District's Administrative Board request to have a bond election to fund projects. They are recommending to the Commission a \$10,000,000 bond election to be placed on the November 8 ballot. Also present with Mr. Leamaster was Dorr Hansen, Board Members and Mayors of Castle Dale and Orangeville. Mr. Leamaster further outlined the projects. He noted that this

bond would dovetail behind the existing bond in which final payment would be made in 1998. This would not require a tax rate increase in that the present tax rate would continue to payoff of the new issue. The Resolution was read aloud to all present.

It was the Commission's recommendation and motion of Commissioner Mark Justice to approve Resolution 9-7-94A which authorizes a bond election authorizes the issuance of \$10 million in general obligation bonds of the Castle Valley Special Service District to be included on the November 8 ballot. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(2)

CONTRACT AGREEMENT BETWEEN THE SOUTHEASTERN UTAH  
ASSOCIATION OF LOCAL GOVERN-  
MENTS, THE LOCAL AREA AGENCY ON AGING AND THE EMERY/GRAND  
RETIRED SENIOR  
VOLUNTEER PROGRAM

Carolyn Randall, Director for the Emery County RSVP presented to the Commission for their consideration a contract agreement between the Southeastern Utah Association of Local Governments Area Agency on Aging and the Emery/Grand Retired Senior Volunteer Program. This contract would allow the RSVP receive State Action Funds for volunteer travel reimbursement effective July 1, 1994, through June 30, 1995. Wherein, the Area Agency on Aging would reimburse the RSVP to a maximum of \$5,225 during the term of the contract.

Whereupon, motion was made by Commissioner Mark Justice to approve the contract agreement as presented and authorize Commission Chairman Kent Petersen to sign the same. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

DISCUSSION OF TAX RATES FOR THE COUNTY AND CASTLE VALLEY  
SPECIAL SERVICE  
DISTRICT

Commissioner Mark Justice noted that previously the Commission had approve the tax rate for Emery County. However, he pointed out that because of the upcoming Utah Power and Light bond issue wherein Emery County is anticipating additional revenues from that transaction. Therefore, he suggested that the Commission might possibly revisit the County tax rate at a later time. Therefore, no action was taken on the County tax rate which has been previously set in the previous Commission meeting. In regards to the Castle Valley Special Service District, it was noted that tax rate has not been formally adopted.

Commissioner Mark Justice reviewed the 15% mineral lease money which the Commission had committed to the Castle Valley Special Service District which they would receive in 1995. He inquired as to what this might do to the tax rate and how they would be using this money. It was noted this was the original intent of the Commission that this might be used to avoid additional tax increases.

Castle Valley Special Service District Administrator, Darrel Leamaster pointed out that the mineral lease monies that the Commission had committed to Castle Valley Special Service District would be used in the operation and maintenance. As such, there would be no need at this time to increase rates for water and sewer. The monies would also be used in grant applications.

Commissioner Mark Justice further inquired as to future use of the money and if this would eliminate the need for future tax increases. Also, Mr. Leamaster discussed possibly extending the length of the bonds therefore reducing the tax rate.

Whereupon, motion was made by Commissioner Mark Justice to approve the tax rate of the Castle Valley Special Service District as submitted. That being a combined total of .002854, with debt service being .002064 of that amount. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Jay Mark Humphrey was present from the Water Conservancy District. Commissioner Mark Justice inquired as to the need to increase their tax rate and how the increased monies would be spent. Mr. Humphrey pointed out that the new programs have become more expensive because of the increased engineering and consulting fees. They reviewed the water monitoring project. The increase in

the tax rate generates only \$19,000 in new monies. Commissioner Justice raised his concern as a citizen as to any tax increase. He noted last year's increase and that the Commission does recognize the importance of programs. He further suggested that they apply for higher education grants through the Community Impact Board.

(4)

#### ACCEPTANCE OF COUNTY ROAD PROJECTS

Road Superintendent, Rex Funk presented to the Commission for their consideration the following road construction projects completed under Class B roads. They needing to be formally accepted by the Commission. They are the old Lawrence Highway realignment phase one and phase two. The Buckhorn Draw phase one. The Huntington/Lawrence realignment. The Morland Canyon realignment phases one and two.

Whereupon, motion was made by Commissioner Mark Justice to accept and approve the completion of the Class B road projects as submitted. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(5)

#### DISCUSSION OF BOND COUNSEL

County Attorney, David Blackwell informed the Commission of the need to appoint bond counsel in the upcoming UP&L Pacificorp bond refinancing. He reviewed with the Commission that in previous actions, the Commission has approved the appointment and reimbursement to the County Attorney for his services as special bond counsel for the County. He also informed the Commission that it would be his recommendation that he be appointed as bond counsel for the County together with the firm of Ray, Quinney & Nebeker as consultants. He noted that all fees and costs incurred are paid by Pacificorp. It was also Mr. Dale Okerlund's recommendation as the most efficient for Pacificorp. It was noted this would be additional work on his part. It was further noted this would not interfere with the County business.

However, Commissioner Justice suggested that in the past the County Attorney had received extra compensation in one instance, but in another instance had not. Ray, Quinney & Nebeker would be the bond counsel. The question is should the County Attorney receive extra compensation for his extra legal services in this situation. Commissioner Justice stated his belief that any legal work done by the County Attorney should be included in the present salary.

(6)

#### DISCUSSION OF POSSIBLE ORDINANCE RESTRICTING USE OF COUNTY LANDFILL TO COUNTY RESIDENTS ONLY

Road Superintendent, Rex Funk reviewed his discussions with County Attorney, David Blackwell and Commissioner Justice. Commissioner Mark Justice pointed out that the desires of the commission would be to restrict use of the County landfill to County residents only and the asbestos pit be maintained. County Attorney, David Blackwell concurred that it could be done and that he would research it further with other Counties who are doing the same. Mr. Funk pointed out that probably 5% of the material deposited at the landfill is from outside the County. Therefore, the Commission would give this further consideration at a later time.

As to the designation of an Industrial Park at the landfill, Planning and Zoning Director, Bryant Anderson noted that the area was previously zoned for industrial use. He was in favor of an industrial park in which property could

be purchased with actual dollars or job credit.

Commissioner Mark Justice reviewed the Economic Development Council's recommendations, efforts and desires to have three industrial areas located one in the North, one in the Central and one in the Southern part of the County. These be zoned and utilities available. Also, Emery Recycling is the best potential occupant of such a central park. It was the desire of the Commission to have a general approval to move in that direction. To which Commissioner Petersen concurred.

(7)

#### JUSTICE COURT RECERTIFICATION

Justice Court Judge Stan Truman informed the Commission that every four years the Judicial Council requests that each Justice Court location be recertified. He noted he has the affidavits, the documentation and that the application is due back October 3, 1994. He indicated he has a packet for both the Castle Dale and Green River locations. Both Emery County Justice Courts are class two Justice Courts.

It was agreed upon by all present to prepare a resolution for the Commission meeting on September 21. Judge Truman will meet further with Commissioner Justice in this matter.

(8)

#### JUSTICE COURT SURVEY

Commission Secretary Leslie Bolinder presented to the Commission the results of the Justice Court Survey conducted by the Commission. Commissioner Justice noted that this has been done by the Commission to give them a comparative analysis as to where the Courts are. This survey covers the salary, staffing

and benefits of Emery County Justice Courts and other counties Justice Courts. The survey is included as part of the minutes and attached hereto.

(9)

#### DISCUSSION OF PUTTING TELEVISION SIGNALS ON MICROWAVE

Electronics Technician Bret Mills reviewed for the Commission the anticipated equipment and costs for putting the television channels that are now received in Emery County on microwave. He noted there would have to be a receiving site in the Salt Lake valley as well as two other locations. He estimated the cost for the translators would be \$30,000 to \$50,000 per site. This does not include the antennas, building, towers, etc. He anticipated the overall cost could be near \$1 million. It appeared the Commission made this inquiry of Mr. Mills in that the Association of Governments had discussed four counties participating in such a program and was desirous to know those anticipated



costs. No action was taken on this matter at this time.

(10)

CREATION OF EMERY COUNTY TOURIST BOARD AND BOARD APPOINTMENTS/BOARD APPOINTMENTS TO THE CASTLE COUNTRY TRAVEL COUNCIL

Commissioner Mark Justice recommended to the Commission for consideration that Emery County create a tourist board which would administer the transient room tax and promote tourism in Emery County. The Board is to be made up of seven individuals. Three from the western part of Emery County, three from the eastern part and one Commissioner. Of these, three would serve together with three from Carbon County to create the Castle Country Travel Council. This would have an operating budget of \$40,000 and based upon a percentage contribution by Emery and Carbon Counties, would make up a total of \$20,000. They would then receive a matching \$20,000 in funds from the State.

It was Commissioner Mark Justice's recommendation and motion to create the Emery County Tourist Board and appoint Blaine Luke, Valerie Newland, Dan Hunter, Jorma Johnson, Rosann Fillmore and Commissioner Mark Justice to serve on that Board and to proceed as recommended. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present. It was noted that one of the first actions of the Tourist Board would be to draft the by-laws of the organization.

(11)

COUNTY SURPLUS AUCTION

The Commission inquired as to the possibility of disposing of surplus items. Sheriff, Lamar Guymon indicated he would look into when some of the seized vehicles would be available for disposition.

However, after further discussion, it was the consensus and recommendation of the Commission to tentatively set October 15 at 11:00 a.m. for the auction of surplus County property. The Auditor reminded those present that all fixed assets needed to be cleared through the Commission as well as any seized vehicles need to be assigned fixed asset numbers and disposition forms filled out accordingly prior to auction.

(12)

UPDATE REGARDING EMT EMPLOYEES

Commissioner Mark Justice noted that the EMT's officially became employees of Emery County effective September 1, 1994. They are in the process of completing the paper work as needed.

(13)

#### ELMO ANIMAL CONTROL ORDINANCE ENFORCEMENT

The Commission briefly reviewed Elmo's request of the previous Commission meeting requesting consideration in enforcing the animal control ordinance in Elmo. At that time, Elmo had indicated they had adopted the County Ordinance. Justice Court Judge Stan Truman indicated a number of towns that have adopted the same ordinance, but do their own licensing, have their own employees, pick up the animals as well as issue citations that come through his court. He had no objection if Elmo is desirous to do the same. It was further pointed out that Elmo needs to be responsible for the issuing of licenses as well as enforcement within their boundaries. It was noted that the County has always been desirous to do everything possible to assist.

Therefore, it was the motion of Commissioner Mark Justice to write a letter to Elmo in regards to this matter. This letter is to be prepared by the County Attorney's office for Commission consideration. Commission Chairman Kent Petersen in seconding the motion recommended that the animal control ordinance be given further review and updated as to the recommendations having been discussed. Motion was approved by all members present.

(14)

#### FBI - DRUG FORFEITURE MONEY

Beth Ann Schwartz, a representative from the FBI, presented to the Commission a check in the amount of \$45,610.76 which is Emery County's portion of drug forfeiture monies. These monies are part of a drug related stop made by Deputy Richard Graham in 1992. She further noted that there is possibly other monies in regards to this stop which could be forthcoming and is being pursued through the Courts by the FBI and the U.S. Attorney General. She noted that the FBI keeps 15% of the funds for their efforts. She also presented to the Sheriff letters of thanks for their efforts in this matter.

The Commission also expressed appreciation to the FBI and the Sheriff's department in their efforts.

(15)

#### EMERY COUNTY BOUNDARY CHANGE

County Attorney, David Blackwell at the request of the Commission prepared a draft proposal or letter to be submitted to the Grand County Council. Wherein, proposing a member the of Emery County Commission and a representative from Grand County meet to open discussion in regards to Green River's residence request to extend the eastern boundary of Emery County. The residents feel they would be better served with this change. Therefore, it

was the consensus and recommendation of Commissioner Mark Justice that Commission Chairman Kent Petersen be that representative from Emery County, along with assistance from County Attorney, David Blackwell and that they proceed with this matter.

(16)

#### COUNTY EXPENSE ACCOUNTS

This matter was placed on the agenda as a result of the Auditor and Attorney's memorandum outlining and encouraging elected officials as well as others to be more accurate in reporting their expenses. The Commission in addition to those concerns should not approve expenditures if questionable. Auditor, Karen Truman pointed out that this is primarily a house keeping effort. Last minute claims many times do not receive the proper attention as to whether expenses are justified. She further indicated that proper documentation needed to be provided as well as the purpose of the meetings and number in attendance. She also expressed opposition to cash advances on the credit cards. Questions were raised as to the per diem reimbursement.

County Attorney, David Blackwell concurred in what the Auditor said. He noted that many times there are high expenses and little or no explanation.

It was the consensus of the Commission that concerns over the cash advances on credit cards be addressed as well as possibly putting together a review committee to discuss this matter further to bring a recommendation back to the Commission. It was further concluded that this would be discussed in the meeting on September 21 prior to Commission meeting.

(17)

#### STATUS OF COUNTY CONTRACT BIDS

Auditor, Karen Truman informed the Commission that the RFP's (Request for Proposals) have been sent to the auditing firms. Those having been previously decided in last commission meeting. Her office is awaiting responses. She inquired as to the action of the Commission in considering other contracts. A number of contracts that are entered into by the County were mentioned. It was further recommended that Commissioners Kent Petersen and Mark Justice, Auditor, Karen Truman, and Clerk, Bruce C. Funk as well as the Attorney's office review each of the contracts to make a recommendation and that the Clerk determine all contracts which the County is entered into.

(18)

#### AUDITOR'S BUSINESS

A) Warrants, Checks and Requisitions - Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #74638 through and

including #747819 for payment.

Req. #	Description	Amount	Approved
41	Four copy machines - Cleveland, Castle Dale, Ferron & Emery Libraries	11,800.00	Approved
42	Four gas furnaces - Library 13,524.00		Approved
43	TV Head End - Television	10,000.00	Approved
44	Channel 58 TV Translator - Television 23,500.00		Approved
45	Caterpillar Loader - Road	160,000.00	Approved
46	Tower Long Ridge Extension and Installation - Television 15,862.00		Approved

Whereupon, motion was made by Commissioner Mark Justice to approve the warrants for payment and the requisitions for payment. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

B) Disposition of Surplus Equipment - Presented were two fixed asset inventory disposition forms. The first was fixed asset #005142, a Xerox copier from the Green River Sheriff's office serial #89H512984, model 1012. This copier was traded in on a new one. The second was fixed asset #05428, a 1983 Cat 966D Loader from the Road Department, serial #99Y01582. This loader was wrecked in Green River and then junked. This will be turned over to the Association of Counties Insurance Mutual in a claim settlement.

Motion to approve the dispositions as presented was made by Commissioner Mark Justice, seconded by Commission Chairman Kent Petersen and approved by all members present.

(19)  
COMMISSION MINUTES

The minutes of the August 17, 1994, 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 Kent Petersen and approved by all members present.

(20)

#### ADJOURN TO EXECUTIVE SESSION

Motion was made by Commissioner Mark Justice to adjourn to Executive Session at 11:56 a.m. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Those present during all or part of Executive Session were Commission Chairman Kent Petersen, Commissioner Mark Justice, County Attorney, David Blackwell, Sheriff, Lamar Guymon, Auditor, Karen Truman, Road Superintendent, Rex Funk, Road Secretary Carol Ware, Clerk, Bruce C. Funk and Personnel Director, Pat Snowball. Discussed were litigation matters.

The Commission reconvened the regular Commission meeting at 12:38 p.m.

(21)

#### APPROVAL OF REASSIGNMENT FORM AND REASSIGNMENT OF STEVE STREAM WHILE RUNNING FOR PUBLIC OFFICE

Whereupon, the form having been reviewed in Executive Session, motion was made by Commissioner Mark Justice to approve the form entitled "Request for Reassignment by Employees Running for Public Office Against Their Supervisor" and also to approve the transfer of Steve Stream effective September 10, 1994, for a period of 60 days as outlined in the Personnel Policy. In that Mr. Stream is running for the position of County Sheriff against his supervisor on the November 8, 1994, general election. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(22)

#### LAW ENFORCEMENT INSURANCE

Motion was made by Commissioner Mark Justice to not renew the excess insurance for civil matters prior to 1992, which included duty life insurance. However, it was included that they proceed with the line of duty life benefit insurance as discussed in the Utah Retirement System letter of August 19, 1994. Wherein, deputies can receive an additional \$50,000 line of duty life benefit. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(23)

## ADJOURNMENT

Commission Chairman Kent Petersen adjourned the Commission meeting at 12:39 p.m.

ComMin9-21-94

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

September 21, 1994

Those present at the meeting were Commissioners Kent Petersen and Mark Justice; County Attorney, David Blackwell; and Clerk, Bruce Funk. Commissioner Dixie Thompson was absent.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

The invocation was given by Commissioner Mark Justice.

(1)

### PUBLIC HEARING - UP&L/PACIFICORP - PROPOSED ISSUANCE OF POLLUTION CONTROL REVENUE REFUNDING BONDS

Commission Chairman Kent Petersen at this time opened the meeting for a public hearing to receive public input on the proposed issuance by Emery County of up to \$121,940,000 UP&L/Pacificorp Pollution Control Revenue Refunding Bonds series 1994 for the purpose of refunding the County's: a) \$13,190,000 pollution control revenue bonds, series A of 1974 (UP&L Company project); b) \$50,000,000 pollution control revenue bonds, 6.3/8% series due November 1, 2006 (UP&L Company project); c) \$42,000,000 pollution control revenue bonds, 5.90% series due April 1, 2008 (UP&L Company project); and d) \$16,750,000 pollution control revenue bonds, 10.70% series due September 1, 2014 (UP&L Company project).

Commission Chairman Kent Petersen inquired if there were any comments from the public. Mr. Larry Ellertson, representative from Pacificorp, spoke on behalf of Pacificorp. He noted that the purpose is to reissue prior bonds to take advantage of lower interest rates. The public hearing and notices are required by TEFRA. The new bonds will be issued for 30 years.

There being no other questions, motion was made by Commissioner Mark Justice to adjourn the public hearing at 6:10 p.m. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(2)

#### DIVISION OF WILDLIFE RESOURCES - WATER PURCHASE FOR DESERT LAKE

Miles Moretti, from the Division of Wildlife Resources, came before the commission to brief them on the purchase of additional shares of water from Huntington/Cleveland Irrigation company for use at the desert lake water fowl management area. He informed the Commission that application is made through the Bureau of Reclamation for water. The shares being purchased were from Mountain Coal, totaling 500 shares at a cost of \$85,000. He further noted that the law requires Commission approval on land purchases. As a courtesy, they bring this matter to the Commission for any comments.

Commission Chairman Kent Petersen inquired if there were any comments from the public.

Commissioner Mark Justice inquired as to the total shares. Mr. Moretti responded that they have 3,000 at this time. Water is required in the management of the bird refuge and crop irrigation. 150 acres of property is irrigated for food and cover. As to whether these shares would be taken out of agricultural, he indicated previously those shares had been leased to farmers. They recognized the bird refuge as an asset to the county and state.

(3)

#### BUSINESS LICENSE/ALCOHOL LICENSE - MATTIES PLACE II

Clerk, Bruce C. Funk presented to the Commission for their consideration the application for business license for Matties Place II which is located at the Millsite Golf Course at Ferron. He noted this has been approved by the Zoning Administrator, Bryant Anderson. It was further noted by the Commission that Matties Place II is also seeking an on-premises beer license from the County. The Clerk informed the Commission that no application has been submitted for such a license and this would require an additional application, signatures and payment of fees.

Therefore, motion was made by Commissioner Mark Justice to approve the business license for Matties Place II and approve the beer license application upon the proper application be submitted together with the necessary signatures and payment of the fee. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(4)

## LEASING OF COUNTY PROPERTIES FOR OIL AND GAS EXPLORATION AND DEVELOPMENT

Gene Glassburn came before the Commission to address any concerns in their request to lease the mineral rights to specified County properties in and around the County landfill. County Attorney, David Blackwell noted that he has looked over the documents. However, in paragraph 11 Emery County does not warrant title and recommended changes in the wording. This being the same as done in previous lease actions by the Commission. It was noted that the total acreage is approximately 92.7 acres.

Road Superintendent, Rex Funk inquired as to the use of drilling structures in the area. Mr. Glassburn indicated that before any such operations would be instigated, the County should insist in their document that they are to give prior written approval. It was noted by Mr. Funk that this area covers the landfill and the proposed industrial park. However, it was pointed out that gas wells are located on approximately 160 acre centers.

Therefore, motion was made by Commissioner Mark Justice to approve the lease agreement with those changes as recommended by County Attorney, David Blackwell. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(5)

## OPENING OF BIDS OF THE GREEN RIVER PROPERTY SALE

Clerk, Bruce C. Funk informed the Commission in regards to Lot 1, Block B of the Politano Subdivision in Green River. Wherein, notices of sale had been advertised and posted in various public places in Green River as well as provided to adjacent property owners. This was the time set for the sale. He noted the property had a minimum bid of \$2,000. He informed the Commission that no bids were received by the County. Therefore, no action will be taken by the Commission on this matter at this time.

(6)

## GREEN RIVER GOLF COURSE FUNDING OPTIONS

Commissioner Mark Justice reviewed for those present the Green River Golf Course and the funding options. He noted that primarily there are three agencies involved. These being the Sovereign Land Board, the Community Impact Board and the State Parks. He noted that the Emery County Recreation District needs an agreement with the Sovereign Land Board for use of those acres as well as a lease on the State Park properties. He noted that the State Park is not actually able at this time to give an extended lease over one year. The State Park would operate the Golf Course and would make the annual payment of \$13,000 towards the loan portion required by the Community Impact Board and



would be used as a funding guarantee. \$200,000 is in the form of a loan at 2% plus \$400,000 grant the CIB has committed to the project. Funding thus far received is approximately \$100,000 from Emery County, \$100,000 from the Grand County Travel Council, \$3,100 in private donations, with Green River, Emery County and Grand County and private individuals donating a considerable amount of equipment and labor.

Commissioner Mark Justice noted that in order to continue with the project they are in need those funds from the Community Impact Board. The CIB has basically requested three things. That the Emery County Recreation District have control of the property through either lease or purchase, that agreements need to be signed and sealed by all agencies involved, that the CIB requires a funding guarantee.

Commissioner Mark Justice again emphasized that at present the State Park cannot enter into long term agreements without legislative approval which delays continued construction of the project until next Spring. His request of the Commission was consideration in that Emery County provide the funding guarantee. Emery County would create a trust account with the necessary monies to meet that guarantee which could be in the range from anywhere of \$170,000 to \$190,000. The first payment due to the CIB is in November of 1996.

County Attorney, David Blackwell reviewed the progress on the purchase of the properties. He also questioned whether there could be guarantees from other entities.

Green River Mayor Judy Scott noted that there are no other funding sources.

Auditor, Karen Truman noted that any trust fund would have to be made from funds obtained through the general fund as an expenditure. This would require the setting of a public hearing. She further noted that monies are available in the fund balance. Discussed were worse case scenarios and also that the State Park in the operation of the golf course could reimburse the County for any funds expended out of the trust.

Craig Johansen noted that items one and two of the CIB request must be in place first. He further inquired as to the location of the golf course. He was advised by those present that it lies half in Emery and half in Grand County.

Whereupon, motion was made by Commissioner Mark Justice to approve the concept and proceed with the County providing the funding guaranteed with the public hearing to be set at the next Commission meeting. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(7)

## TCI CABLEVISION - ADDITION OF CHANNEL 26

Representatives from TCI Cablevision were not present at this time. However, Commissioner Mark Justice noted his conversations with TCI and the County's request to put channel 26 on cable television. Previously they were not able to make that installation. He has since been advised that because of upgrades the system is now capable. However, there is a 30 day notice period which may put installation approximately December 1.

Clerk, Bruce C. Funk informed the Commission that his office is desirous to put the election results on channel 26. This would be advantageous to a large number of Emery County residents to have it on the cable system. Therefore, it was the consensus of the Commission to see what could be done to do the installation by the election.

(8)

## RECERTIFICATION OF JUSTICE COURTS

Justice Court Judge Stan Truman presented to the Commission resolutions and affidavits certifying the two Emery County Justice Courts. County Attorney, David Blackwell provided his affidavit and County Attorney opinion. Mr. Truman noted that in the application, he had responded "no" to two of the questions. Wherein, he felt he had insufficient staff or clerical help to cover the Castle Dale office. He reviewed the various case load numbers and his reasons for his answering "no". However, he did suggest that at budget time they look at putting Sharon Wickman full time in that she presently is allotted only 25 hours per week. However, her full salary is being paid from his department. This would bring his office into compliance.

Judge Truman discussed what this would do to the certification process. He noted that sending those in as indicated would result in delay of the certification and an inquiry.

Commissioner Mark Justice inquired as to what other counties are doing when insufficient monies are available and it appears that from staffing patterns that most rural counties are not in compliance. Therefore, it was the suggestion of Commissioner Mark Justice that they table any action on this matter to give it further review and consideration at the next Commission meeting.

The Commission concurred in this matter.

(9)

## RESOLUTION RESTRICTING LANDFILL USE TO EMERY COUNTY RESIDENTS

- RESOLUTION 9-

21-94

County Attorney, David Blackwell presented to the Commission for their consideration Resolution 9-21-94. Wherein said Resolution shall be restricted to accepting asbestos materials generated within the boundaries of Emery County only and that the landfill shall accept only refuse generated by residents of Emery County and shall be of non-hazardous type. The landfill shall not accept toxic or hazardous waste and the Resolution described them therein. Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 9-21-94. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(10)

#### EMERGENCY BIDDING ON ROWLEY FLAT DIP CHANNEL CLEANING PROJECT

Craig Johansen of Johansen and Tuttle Engineering came before the Commission to discuss the emergency need to make repairs at the Rowley Flat Dip. Wherein, a flood has filled the channel with debris, crossing over into the adjacent canal. The project would clean both rock and material from the channel and form a dike as shown on a drawing submitted to the Commission.

They have solicited bids on this project. They have received three bids. These from Nielsen Construction, Minchey Digging and Sinbad Construction.

Mr. Johansen recommended to the Commission that the bid be awarded to Nielsen Construction who is the low bidder in the amount of \$17,280. Whereupon, motion was made by Commissioner Mark Justice to declare an emergency repair on the Rowley Flat Dip and recognized Nielsen Construction as the apparent low bidder and award him the contract in the amount of \$17,280 for those services and authorize Commission Chairman Kent Petersen to sign any subsequent documents in order to expedite the project. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(11)

#### DISCUSSION OF INDUSTRIAL PARK LOCATED AT LANDFILL

County Attorney, David Blackwell reviewed plats and the request from Emery Recycling for 10 acres on which to locate their plant. It was noted that they have requested properties which lie across patent properties. It was noted that patent properties can be used for public use only. Therefore, it was the consensus of those present that the property being considered for the Barneys be adjacent to the side of the 80 acres belonging to Emery County, but which are not part of the patent acreage and within the area set up for the industrial park.

(12)

#### WATER CONSERVATION COORDINATOR FOR THE COUNTY

Commissioner Mark Justice reviewed meetings held in Huntington in regards to water. In that, Dennis Worwood, Emery County Extension Agent, had reviewed the concept of the meeting and recommended that the Commission be involved in coordinating the efforts. There is another meeting set for October 6.

Therefore, this matter could be reviewed further on October 5. However, he would volunteer and it was his motion to appoint himself to be the water coordinator representative for the County. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(13)

#### COUNTY GIFT TO BE PRESENTED AT THE ANNUAL UAC CONVENTION

Commission Chairman Kent Petersen noted that previously Commission Secretary Leslie Bolinder has taken care of this. However, it was her recommendation that the County gift be a putter and two rounds at Millsite Golf Course as well as an information packet on the Green River Golf Course as the County's gift. The Commission inquired if there were other recommendations. There being none, motion was made by Commissioner Mark Justice to approve the recommended County gift to be presented at the UAC convention. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(14)

#### REVIEW OF COUNTY CONTRACTS

Commissioner Mark Justice reviewed a previous meeting wherein himself, Commission Chairman Kent Petersen, County Attorney, David Blackwell, Auditor, Karen Truman and Clerk, Bruce C. Funk met and reviewed those contracts which the County has entered into. He noted that in progress is the pending receipt of the independent audit proposals. The County Attorney was directed to develop a bid package for the public defender. The group would set up meetings with other contracting agencies. After further discussion, motion was made by Commissioner Mark Justice to proceed and direct the County Attorney's office to prepare the bid package for the public defender and that arrangements be made to meet with others such as Johansen and Tuttle Engineering, Dennis Fuller who does the custodial, and Allen Jorgensen for Bear Canyon campground. These would meet and review their contracts with this committee. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(15)

#### HUNTINGTON AIRPORT

County Attorney, David Blackwell on the request of Commissioner Mark Justice was asked to contact Mr. Don Owen, operator at the Huntington Airport, on the

purchase of the Mobile Home at the site. It is a 1980, 28 X 70 four-bedroom, two bath mobile home. Mr. Owen has suggested a selling price of \$20,000. However, it was discussed and agreed upon that an appraisal would be made on the home. It was recommended that the Assessor's office be contacted to establish a fair market value. Mr. Owen further indicated that there is some heavy duty shelving, couch, coffee machine and other miscellaneous items which he owns that he would be willing to sell to the County for \$500 or would consider what the County would be willing to offer.

County Attorney, David Blackwell noted that there is no rush at this time and possibly consideration needed to be given to extending Mr. Owen's occupation until October 15, 1994, to further resolve the purchase prices on these matters should the county be so interested.

Whereupon, motion was made by Commissioner Mark Justice to extend the occupancy and agreement with Mr. Owen to October 15, 1994, to allow further review of this matter and to direct the County Attorney's office to prepare a contract for the new operator, Mr. Robertson, to take effect October 15, 1994. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Road Superintendent, Rex Funk advised that he has been requested to repair and patch the airport apron where the fuel tanks were exhumed as well as trenching done at that time. He anticipated that costs if the County was to do so with their own crews would be approximately \$7,500. If the County is interested in putting a hot mix on this same area, the cost to contract this out would be approximately \$90,000.

Whereupon, motion was made by Commissioner Mark Justice to direct the County Road Department to proceed in making the improvements at the airport as discussed. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(16)

#### ROAD DEPARTMENT BUSINESS

Road Superintendent, Rex Funk presented to the Commission for their acceptance the following County road projects.

#### COMPLETED ROAD PROJECTS:

Road #	Prj. #	Project Description
502	50200	Orangeville Mill Dam; Asphalt Overlay; Project Cost: \$77,787; Completed 1993

- 221 22100 Industrial Subdivision Road; Asphalt Overlay; Project Cost: \$45,338; Completed 1993
- 328 32800 Asphalt Overlay; Project Cost: \$246,463; Completed 1993
- 302 Morhland Coal Haul Road; Bituminous Overlay; Special Service District #1 Project; Project Cost: \$703,451; Completed 1992
- 1001 Longstreet, Green River; Realignment/Reconstruction; Special Service District #1 Project; Project Cost: \$519,489; Completed 1992
- 337 33706 Old Lawrence Highway; Cullum Bridge Replacement; Project Cost: \$109,459; Completed 1992
- 337 33706 Old Lawrence Highway; 5 Mile Wash Bridge; Project Cost: \$52,444; Completed 1990

#### PROJECT PROPOSALS

- 328 32811 Lawrence-Westerly-FAS; Reconstruct Roadway, Shoulder Slopes, Asphalt Overlay; Estimated Cost: \$440,200; Status: Active
- 216 21621 Dinosaur Quarry; Reconstruct 1000 Feet of Road; Steep Grade and Flatten Horizontal Curve; Estimated Cost: \$166,500; Status: Active
- 333 33006 Buffalo Hollow Bridge; Re-decking Bridge; Estimated Cost: \$31,000; Status: Active
- 129 12906 Lower San Rafael Bridge (FAS Bridge Replacement Program); Complete Bridge Replacement; Estimated Cost: \$450,000; Status: Active
- 115 11506 Price River Bridge (FAS Bridge Replacement Program); Complete Bridge Replacement; Estimated Cost: \$470,000; Status: Active
- 112 Huntington Airport; Patching and Cleaning Runway; Estimated Cost: \$7,500; Status: Active

307 30712 Otteson Hollow Drainage; Channel Flooding; Estimated Cost: \$21,000; Status: Active

Motion to approve was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the project proposals and accept the completed road projects as presented. Motion was approved by all members present.

(17)

#### AUDITOR'S BUSINESS

Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #75089 through and including #75285 for payment. Noted was a claim for sponsorship of outstanding students which had been requested by Canyonview Jr. High. After discussion, motion was made by Commissioner Mark Justice to provide the sum of \$100 to the Emery County Progress. Wherein, Emery County would sponsor students of the week for one week at both the Canyonview and San Rafael Jr. High Schools with the balance of the monies to be used for the High School students of the week. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Req#	Description	Amount	Action
47	Canon NO4050 Bond Copier - Clerk/District Court	8,895.00	Approved
48	Fogger Engine - Weed & Mosquito	916.03	Approved

Motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the warrants for payment and the requisitions for purchase. Motion was approved by all members present.

The following items were presented for disposition for sale in the County Auction:

- A) Minolta Copier, model EP4702, fixed asset #004966, from the Clerk's office.
- B) Two Sony Microtranscribers, models BM-715 and BM-720, fixed asset #'s 004629 and 004387, from the Clerk's office.
- C) Loop Computer Monitor, serial #TC9030022, from the Clerk's office.
- D) Panasonic Printer, 7EMAKE 37353, from the Clerk's office.

Motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the disposition these items as discussed. Motion was approved by all members present.

(18)

#### COMMISSION MINUTES

The minutes of the September 7, 1994, 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 Kent Petersen and approved by all members present.

(19)

#### INSURANCE BUSINESS

Personnel Director, Pat Snowball advised the Commission that in regards to the 1981 CAT model 966D loader in which the Commission had previously approved the disposal of because of it having been involved in an accident, Emery County will receive the amount of \$81,500 as settlement of the an insurance claim. She further noted that the loader has already been sold for salvage and title needs to be assigned and forwarded on. Therefore, motion was made by Commissioner Mark Justice to acknowledge receipt of the \$81,500 into the Class B road fund. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(20)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Treasurer-Julie Truman - Julie Truman in the Treasurer's office requests approval to carry into 1995, 50 hours over the allowed 40 making a total of 90 hours which would be used within the first quarter of 1995. The purpose of this request is maternity leave which will begin approximately January 30, 1995, and with the use of accrued sick leave she plans to return to work April 24, 1995.

Motion was made by Commissioner Mark Justice to approve the request of Julie Truman as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

B) Library-Mary Thomsen - Ferron Library Janitor, Mary Thomsen, has submitted her resignation effective September 30, 1994. Approval is requested to begin the process to hire a replacement at a rate of \$4.25 per hour.



It was the consensus of the Commission that Ms. Thomsen's resignation be on file with the County before the recruitment process begins.

C) Assessor - Approval is requested to begin the process to hire a 3/4 time Deputy Assessor I, at a Grade 4, Step A or \$7.21 per hour.

It was the consensus of the Commission to table this request.

D) Assessor-Kathy Reed - Approval is requested to hire Kathy Reed in the Assessor's office in the "Up to 90-day capacity".

Motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the temporary hire of Kathy Reed as presented. Motion was approved by all members present.

(21)

#### COMMISSION REPORTS

Commissioner Mark Justice:

- A) He reviewed the efforts of the Centennial Commission. He noted that Commission Chairman Kent Petersen is the County liaison with that group.

Commission Chairman Kent Petersen:

- A) He discussed the Commissioners workshop and extension on the RS-2477 roads.

(22)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 8:41 p.m. was made by Commission Chairman Kent Petersen, seconded by Commissioner Mark Justice and approved by all members present.

ComMin10-5-94

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

October 5, 1994

Those present at the meeting were Commissioners Kent Petersen and Mark Justice County Attorney, David Blackwell; and Deputy Clerk, Julie Winn. Commissioner Dixie Thompson was absent.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

The invocation was given by Commissioner Mark Justice.

(1)

PUBLIC HEARING - INCREASING THE 1994 BUDGET IN THE COUNTY  
GENERAL FUND -  
RESOLUTION 10-5-94A

Commission Chairman Kent Petersen opened the meeting to a Public Hearing at 9:00 a.m. The purpose of the Public Hearing was to received public comment regarding increasing the 1994 budget in the Emery County General Fund. Commissioner Petersen turned the time over to Auditor, Karen Truman. Auditor Truman explained they would like to take \$348,125 from the unappropriated fund balance so it can be spent as follows: \$133,000 for the landfill trust fund; \$200,000 trust fund for the Recreation District to guarantee a loan for the Green River golf course; \$1,425 for the wildland fire budget; \$13,700 for the Senior Citizen budget.

Commission Chairman Petersen inquired if there were any questions or comments. There being none, he closed the public hearing at 9:06 a.m.

Whereupon, motion was made by Commissioner Mark Justice to approve and adopt Resolution 10-5-94A to amend the 1994 Emery County General Revenue and Expenditure Budget as discussed by Auditor, Karen Truman. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(2)

RESOLUTION 10-5-94B - TO ESTABLISH A TRUST FUND TO GUARANTEE A  
COMMUNITY  
IMPACT BOARD LOAN TO THE EMERY COUNTY RECREATION SPECIAL  
SERVICE DISTRICT

Commission Chairman Kent Petersen read aloud Resolution 10-5-94B. Wherein, said Resolution is to establish a trust fund to guarantee a Community Impact Board loan the Emery County Recreation Special Service District. Said trust fund shall be established in the amount of \$200,000 with 2-1/2% interest earned to be paid to the trust fund and the remainder earned to be paid to the

emery County General Fund. Said fund shall be appropriated for the purpose of guaranteeing annual loan payments on a CIB loan to the Recreation Special Service District used to construct the Green River Golf Course.

Whereupon, motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve Resolution 10-5-94B as presented. Motion was approved by all members present.

(3)  
RESOLUTION 10-5-94C - TO ESTABLISH A FINANCIAL ASSURANCE TRUST FUND FOR CLOSURE OF EMERY COUNTY LANDFILL

Commission Chairman Kent Petersen read aloud Resolution 10-5-94C. Wherein, said Resolution is to establish a Financial Assurance Trust Fund in Emery County. Said trust fund shall be established in the amount of \$133,000 unless the landfill's licensing agency determines on an annual basis that a greater amount is necessary, at which time the fund may be increased by resolution. Interest earned on said funds shall be payable to the Emery County General Fund.

Whereupon, motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve Resolution 10-5-94C as presented. Motion was approved by all members present.

(4)  
KAREN HUNTSMAN - REPORT ON UTAH STATE CENTENNIAL CELEBRATION

Karen Huntsman, member of the Utah State Centennial Committee, came before the Commission. She thanked them for their help with the legacy project in Emery County. She informed them of certain programs being offered to the public in conjunction with Utah's Centennial Celebration. She requested more physical support of Emery County. She indicated their committee has gone to all of the cities and requested representatives from each of the towns to be on the committee. She indicated the Commission needs to appoint a new chairman for their committee.

The Commission thanked Mrs. Huntsman for coming to the meeting today and informed her that Commission Secretary, Leslie Bolinder will coordinate a meeting with the Commissioners and their committee to appoint and new chairman.

(5)  
BUSINESS LICENSE APPROVAL - CHRISTINE MEAD - THE WATER

Deputy Clerk, Julie Winn presented to the Commission for their consideration a

business license application for Christine Mead for the business called The Water located in Molen. Said application has been approved by Planning and Zoning Director, Bryant Anderson.

Whereupon, motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the business license for The Water as presented. Motion was approved by all members present.

(6)

#### ROSANN FILLMORE - TARGETED ALLOCATION FUND BOARD MEMBERS

Economic Development Director, Rosann Fillmore presented to the Commission the names of Dennis Worwood, Economic Development Council; Larry Heaton, Social Services; Roger Warner, Cities (Special Service District); Larris Hunting, Chamber of Commerce, Community Development; Kathy Petersen, Education; and Darlene Magnuson, Agriculture to be considered as board members for the TAF Board Members. She further informed the Commission members still need to be selected in the areas of Health, Law Enforcement and Mental Health.

Whereupon, motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the names as submitted by Mrs. Fillmore and authorize her to select others to fill the areas of Health, Law Enforcement and Mental Health as discussed. Motion was approved by all members present.

(7)

#### HUNTINGTON AIRPORT - PURCHASES AND CONTRACT

After discussion, motion was made by Commissioner Mark Justice to terminated Don Owen's contract with the Huntington Airport effective October 15, 1994, and authorize the County Attorney to prepare a contract for Keven Robison as operator at the Huntington Airport effective October 15, 1994. Motion was further made that the County not purchase the personal property as offered by Mr. Owen and that they obtain an itemization of items located at the airport. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(8)

#### RESOLUTION 10-5-94D - RECERTIFICATION OF EMERY COUNTY JUSTICE COURTS

Presented for Commission approval was Resolution 10-5-94D. Said Resolution is for the Recertification of both Emery County Justice Courts. Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 10-5-94D as presented and further stating that it is in the best interest of Emery County to have two Justice Courts. Motion was seconded by Commission Chairman Kent

Petersen and approved by all members present.

(9)

#### INDEPENDENT AUDIT PROPOSALS

Auditor, Karen Truman informed the Commission she has received back three proposals for the Independent Audit. Proposals were received from Kimball and Roberts in the amount of \$9,350; Smuin, Rich and Marsing in the amount of \$9,600; and Gilbert & Stuart in the amount of \$9,540.

Whereupon, motion was made by Commissioner Mark Justice to approve Kimball and Roberts and the apparent low bidders. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(10)

#### CHAMBER OF COMMERCE SHOP AT HOME CAMPAIGN

Commission Secretary, Leslie Bolinder read a letter received from the Chamber of Commerce requesting Commission support of the Shop at Home Campaign. Whereupon, motion was made by Commissioner Mark Justice to donate \$100 to the Shop at Home Campaign indicating it is a worth project. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(11)

#### WATER CONSERVATION COORDINATION WITHIN EMERY COUNTY

Extension Agent, Dennis Worwood came before the Commission to discuss water conservation coordination within Emery County. Whereupon, Mr. Worwood and the Commission discussed water conservation coordination and indicated they would like it to include Green River.

(12)

#### DISCUSSION OF ARCHITECTS RECOMMENDATION OF JAIL STUDY

Commissioner Mark Justice informed those present that Design West has completed a study on structural safety at the Emery County Detention Center. Design West has concluded that the building has settled, however, they feel it is sound and poses no risk of danger to the inmate or employees. Whereupon, Commissioner Justice recommended that the Commission take the report under advisement at this time and look into this matter again next year. No Commission action was taken.

(13)

## ECONOMIC DEVELOPMENT REPORT ON CONCESSION STAND PROJECT AT THE STATE PARKS

Economic Development Director, Rosann Fillmore presented to the Commission a report on expenditures and revenues on the Concession Stand Project at the State Parks this past summer. She indicated the expenditures this year outweighed the revenues. She indicated this project promoted the State Parks and gave youth summer employment. The project will take place again next year and will begin around the middle of May.

(14)

## DISCUSSION ON APPROVING REVISION TO COUNTY HOLIDAY SCHEDULE

Deputy Treasurer, JoAnn Taylor presented to the Commission a petition signed by approximately 100 County employees requesting the commission to change the County's holiday schedule. The suggestion was to have the County open either Columbus day the second Monday in October or Veterans Day November 11 in exchange for being closed the day after Thanksgiving, thus giving County employees a four day weekend for Thanksgiving.

Treasurer, JoAnn Behling indicated this would need to be for all of the County offices. Either all need to be open or all need to be closed.

Recorder, Ina Lee Magnuson indicated her office seems to have quite a few people coming in the day after Thanksgiving and did not like the idea of being closed that day.

Commissioner Mark Justice indicated he feels the idea has merit and should be looked at further. He suggested that the elected officials and department heads discuss this item at their next meeting on October 19.

Commission Chairman Kent Petersen reminded those present that the County's main purpose is to serve the public and their needs and best interest should also be taken into consideration.

Commissioner Mark Justice inquired of Randy Johnson, School Board President how the School District determines its holidays. Mr. Johnson indicated their holiday schedule is set on a year by year basis and can change each year. He stressed that what is best for the County is what should be taken into consideration.

This matter was tabled at this time.

(15)

## ROAD DEPARTMENT BUSINESS - ACCEPTANCE OF LANDFILL ROAD ASPHALT OVERLAY PROJECT

Road Superintendent, Rex Funk presented to the Commission for their approval the landfill road asphalt overlay project acceptance. Whereupon, motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the landfill road asphalt overlay project as presented. Motion was approved by all members present.

(16)

#### AUDITOR'S BUSINESS

Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #75450 through and including #75575 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Description	Amount	Action
49	Radar unit for Highway Patrol - - Sheriff	2,895.00	Approved
50	Four cameras and attachments - - Sheriff	4,965.92	Approved
51	Three Ford Explorers - Sheriff	70,590.00	Approved
52	Cellular Phone for Commissioner Justice - Commission	495.00	Approved

Whereupon, motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the warrants for payment and requisitions for purchase. Motion was approved by all members present.

The following disposition of fixed asset forms were presented for approval for disposition by the Commission. One Olivetti typewriter, model ET 121, fixed asset tax #003623. This typewriter will be taken out of the Auditor's office and transferred to the Orangeville library. One manual Check Protector, serial #5055579. This will be taken out of the Auditor's office and sold at the next County auction.

Whereupon, motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the disposition forms as presented. Motion was approved by all members present.

(17)

#### COMMISSION MINUTES

The minutes of the September 21, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the minutes as corrected. Motion was approved by all members present.

(18)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Treasurer's Office-Julie Truman - Treasurer, JoAnn Behling informed the Commission that Julie Truman will be off work for at least 10 weeks due to complications with her pregnancy. Therefore, Mrs. Behling requested that Annette Allen be allowed to work full time at 40 hours per week to help fill in for Mrs. Truman. She further requested that if it becomes necessary, that she obtain Commission approval to hire someone part-time temporary until Mrs. Truman can return to work. Whereupon, the Commission approved Mrs. Behling's request if it becomes necessary at a later time.

B) Ferron Library-Janitor - Jerilyn Mathis requested approval to move Valynn Huffaker from Assistant Librarian at the Ferron Library to Janitor at the Ferron Library. This is at the request of Mrs. Huffaker. Mrs. Mathis further informed the Commission that Roxann Bohn will fill in as Assistant Librarian at the Ferron Library for the time being. Effective date is October 5, 1994.

C) Vacation Carry Over - Mrs. Snowball indicated there has been a request made by Lee Rasmussen that the Commission consider changing the present vacation carryover policy from 40 hours to 120 hours. Whereupon, after further discussion, it was the consensus of the Commission that this matter be discussed by the employee committee and at the next elected officials and department head meeting and be brought back before the Commission at a later time.

(19)

#### ELMO TOWN REQUEST FOR FUNDS TO REPAIR FIRE STATION

Elmo Mayor, Daryl Wilcox came before the Commission requesting the County contribute \$1,000 for repairs on the Elmo Fire Station. Mr. Wilcox indicated they are planning on building a new fire station next year, but until that is done the fire station is in need of repair. He indicated the poor condition the fire station is in presently and it could be detrimental to the fire trucks.

Whereupon, motion was made by Commissioner Mark Justice to give Elmo Town the



sum of \$1,000 out of dues and contributions for repair work to their fire station. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(20)

MARK H. WILLIAMS - HISTORICAL SOCIETY

Mark H. Williams on behalf of the Historical Society thanked the Commission for their financial support to pain the Swinging Bridge. He indicated the bridge looks very nice and will be rededicated on November 19. He invited all to attend the rededication at 1:00 p.m. that day.

(21)

COMMISSION REPORTS

Commission Chairman Kent Petersen indicated he recently attended the Moab County Commission meeting together with County Attorney, David Blackwell and Sheriff, Lamar Guymon. They requested the Moab County Commission to consider changing the Green River boundaries. He indicated Moab was willing to discuss this matter.

(22)

MEETING ADJOURNMENT

Commissioner Mark Justice made a motion to adjourn the meeting at 11:00 a.m. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

ComMin10-19-94

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

October 19, 1994

Those present at the meeting were Commissioners Kent Petersen and Mark Justice; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m. He excused Commissioner Dixie Thompson who is campaigning.

The invocation was given by Clerk, Bruce C. Funk.

(1)

#### BUREAU OF LAND MANAGEMENT REPORT

Penny Dunn, of the Price office of the Bureau of Land Management, reported to the Commission. She discussed the restoration of the Buckhorn pictographs. She also discussed that the OHV trail recommendations are in. Livestock permittee letters went out limiting the number of livestock. That letter will still be in effect despite recent rains. She further discussed the Eco Challenge race which would be taking place partly in Emery County. The group comes out of Southern California through Universal Studios. It is a large media and recreation event lasting approximately 10 days with a number of activities made up of 50 groups of five for the actual race and also anticipating a total attendance of approximately 500 people. She expressed concerns in those traversing the same area. The environmental impact statement is to be completed and can be provided to interested persons.

Commissioner Mark Justice inquired about the use of the law enforcement officer. Mrs. Dunn indicated that he has been used a lot in the Moab area. They would like to add another one, but the budget does not support an additional officer. Therefore, it would remain the same.

(2)

#### DIVISION OF WILDLIFE RESOURCE REPORT

Miles Moretti of the DWR briefly updated the Commission on the results of the Elk Hunt and the sale of licenses. He further discussed gas and oil drilling south of Price and that if it is to expand onto the benches, the anticipated problems. They are working with those companies in order to minimize the impact.

(3)

#### FOREST SERVICE REPORT

Charlie Jankiewicz, Forest Supervisor, informed the Commission that George Morris retired in September and Mr. Zeller is acting for 120 days. He discussed drilling activities on the Forest. He indicated the low water level at Joe's Valley will require the closing of the boat ramp. They will put articles in the paper. Don Morland inquired as to the work on the Ferron Reservoir. Mr. Jankiewicz indicated it would not be completed this year.

They are anticipating graveling the Ferron to Mayfield road next year as well as other improvements.

Aaron Howe provided to the Commission a proposed Forest road agreement. Wherein, the Forest transfers maintenance of a number of Forest roads to the County. Therefore entitling the County to receive Class B road funds. He noted this would be for surface or blade maintenance only on those roads. Any reconstruction is covered in the agreement and would possibly be a joint effort.

Commission Chairman Kent Petersen recommended that this be noticed up for a public hearing to receive public comment before giving further consideration to the proposal. Road Superintendent, Rex Funk indicated that this would increase maintenance of roads by an additional 68 miles. He noted that presently they have entered into agreement on approximately one mile with the Forest Service. They have done another 21 miles without reimbursement and this would make a combined total of approximately 90 miles. When asked as to the financial benefit to the County, Mr. Funk indicated that although his total reimbursement would increase the number of miles, the rate of reimbursement per mile would decrease with the increased number of miles.

Therefore, it was the motion of Commissioner Mark Justice to set November 16, 1994, at 5:30 p.m. for a public hearing to receive public comment on Emery County considering the maintenance of those roads as proposed. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(4)

#### CITIZEN CONCERNS

Ray Killpack of Ferron came before the Commission to express a number of concerns he has as a citizen. He inquired in regards to State Road U-10 and as to whether the Commission had any input on projects contemplated in the County by UDOT. The Commission indicated they do typically meet with UDOT in the Spring and have some input in the projects. His concern was with U-10 the 10 miles north from the intersection of I-70.

Road Superintendent, Rex Funk indicated he would provide Mr. Killpack with a list of the proposed UDOT projects and their anticipated dates.

Mr. Killpack further recommended that consideration be given to the west highway entrance at the rodeo grounds at Ferron. He recommended a passing lane. He noted the road appears to be wide enough and discussed the safety reasons. It was recommended that he contact Wayne Staply for design approval. He also expressed concern over television reception which he has also discussed with Commissioner Justice and Bret Mills. He expressed concern in the

Huntington Airport. He inquired as to its use and of what importance it serves the County.

Commissioner Mark Justice responded in that the County puts in approximately \$15,000 for maintenance and staffing at the airport. Presently it has very little use. It is hoped that through the new contract new business would be stimulated. He also indicated that Commissioner Dixie Thompson has been working with the FAA to secure funding for a centrally located airport.

Mrs. Killpack informed the Commission that he would still like to have the bookmobile service the County and that it has many advantages.

(5)

#### COMPREHENSIVE PLANNING ACTIVITIES UPDATE

Tracy Jeffs of the Emery County Comprehensive Planning noted that the group is now 7 to 8 months old. It is a credit to the Commission to adopt such a pilot project such as the project 2000. Wherein they have brought creditable people from many states who have shared their experience and background with those in attendance. He further indicated that the wilderness issue will have to be addressed in the very near future. Being discussed is retention of the quality of life. In the upcoming October 27 meeting they will address tourism which many times conflicts with that quality of life. He expressed appreciation to Governor Leavitt through his support. The effort has been positive for Emery County.

(6)

#### APPOINTMENT OF BOARD MEMBERS TO TAF BOARD

Economic Development Director, Rosann Fillmore briefly reviewed the purpose of the TAF organization and the purpose of the local board. She noted that a number of the members were appointed in the last Commission meeting. It was therefore, her recommendation that Emery Jones also be appointed as a board member representing Four Corners Mental Health.

Whereupon, motion was made by Commissioner Mark Justice to appoint Emery Jones to the TAF board. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(7)

#### INDEPENDENT AUDIT CONTRACT APPROVAL

County Attorney, David Blackwell presented for Commission consideration the agreement between Emery County and Kimball and Roberts who will provide the

County Independent Audit. He noted that Kimball and Roberts were the apparent low bidders. Therefore, motion was made by Commissioner Mark Justice to approve the independent audit contract with Kimball and Roberts. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(8)

#### FINAL APPROVAL OF BOARD OF EQUALIZATION ADJUSTMENTS

Auditor, Karen Truman provided to the Commission a final list of the adjustments made as a result of the Board of Equalization together with her affidavit. She noted that they are in compliance. Whereupon, motion was made by Commissioner Mark Justice to approve the final Board of Equalization adjustments as submitted. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present. (This list is on file in the Auditor's office.)

(9)

#### HUNTINGTON AIRPORT OPERATOR'S CONTRACT

County Attorney, David Blackwell informed the Commission that the agreement between Emery County and Keven Robison has not been completed. However, Mr. Robison was in attendance who expressed some concern in that the roof over the main office to the first hanger leaks and another County building, a garage. He indicated he would provide the labor if the County would provide the materials to roof, insulate, fire-proof paint and prepare that building for occupancy.

Road Superintendent, Rex Funk indicated the Road Department plans to patch the asphalt would be done as soon as the weather allows.

Commission Chairman Kent Petersen will review this further and make a recommendation.

(10)

#### DISCUSSION OF REVISIONS TO PERSONNEL POLICY

Commission Chairman Kent Petersen noted that at this time the Commission is not ready to make changes which had been discussed earlier today with the Elected Officials and Department Heads. Those changes are in regards to the travel policy, carry over of vacation days and changes to the holiday schedule.

(11)

## AUDITOR'S BUSINESS

Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #75830 through and including #75992 for payment.

The following requisition was presented for Commission consideration:

Req #	Description	Amount	Action
53	Light bar for new Crown Victoria Edge - Sheriff	649.95	Approved

Motion was made by Commissioner Mark Justice to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(12)

## COMMISSION MINUTES

It was the consensus of the Commission to postpone any action on the Commission minutes of October 5, 1994, until their next meeting to allow sufficient time for review.

(13)

## PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Wayne Maxfield-Road - She informed the Commission that she has received the resignation of Wayne Maxfield effective October 21, 1994.

B) Don Morland-Road - She informed the Commission that Don Morland plans to retire on December 31, 1994, pending completion of the retirement papers by that time.

Therefore it was her request that the Commission consider the recruitment process with the immediate hiring of one position and the second position from the same applicants to be hired at the time Mr. Morland retires.

After further discussion, motion was made by Commissioner Mark Justice to approve the recruitment and hire of one and possibly two employees in the Emery County Road Department as described by Mrs. Snowball. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

C) Insurance - She also submitted for Commission approval a form which was part of the health insurance renewal process called the Medical Cost Control Agreement. This identifies those vendors the Emery County Plan uses to assist in controlling health care costs. This is a form that is required by the excess carrier and had been left out of the original agreements which the Commission previously signed.

Therefore, motion was made by Commissioner Mark Justice to authorize the signing of the medical cost control agreement. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(14)

#### COMMISSION REPORTS

The Commission briefly discussed that consideration needs to be given to allow on each Commission meeting agenda item entitled "citizens concerns" which would be an open door policy for citizens to come in and meet with the Commission and express any concerns.

Briefly mentioned again was the Echo Challenge and the need to follow up on that.

(15)

#### MEETING ADJOURNMENT

There being no other matters, the meeting was adjourned at 8:03 p.m. by Commission Chairman Kent Petersen.

ComMin11-2-94

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

November 2, 1994

Those present at the meeting were Commissioners Kent Petersen and Mark Justice; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m. who excused Commissioner Dixie Thompson who is campaigning out of the

County.

(1)

**BID OPENING - DINOSAUR QUARRY ROAD PROJECT**

Clerk, Bruce C. Funk informed the Commission that received were two bids. One bid from Nielsen Construction and the other from Minchey Digging. At which time the bids were opened. The bid from Nielsen Construction was for \$197,167.50. The other bid from Minchey Digging was for \$143,610.00. The engineer's estimate for the project was \$189,000.00. Bid bonds were attached to both bids as received.

Mr. Johansen of Johansen and Tuttle Engineering informed the Commission that he would prepare an abstract of the bids and prepare a Notice of Award.

Whereupon, motion was made by Commissioner Mark Justice to recognize Minchey Digging as the apparent low bidder and authorize the awarding of the bid pending engineering approval and authorize Commissioner Kent Petersen to sign that as well as any other documents in order to expedite the project. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(2)

**RESOLUTION AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF \$121,940,000 IN POLLUTION CONTROL REVENUE REFUNDING BONDS - RESOLUTION 11-2-94**

Presented to the Commission for their consideration and review was Resolution 11-2-94. Said Resolution authorizes the issuance and confirms the sale of \$121,940,000 in Pollution Control Revenue Refunding Bonds by Pacificorp. Mr. Gene Hess of Pacificorp was present. He indicated he would answer and questions the Commission has in regards to the matter.

Whereupon, after review, motion was made by Commissioner Mark Justice to authorize and approve Resolution 11-2-94 as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(3)

**REQUEST FOR JOE'S VALLEY SPECIAL SERVICE DISTRICT**

Mr. Tom Bruno, representing the home owners in the Joe's Valley Reeder Subdivision came before the Commission requesting authorization to set up a special service district in order to receive required services. They would eventually like to turn the roads over to the County after they have been



brought up to an acceptable standard. They would also like to hire the County Road Department again to make needed improvements. They would like to do this in order to obtain access to their homes year round. They would also like to house a fire truck. They understood that possibly one was available. They would like increased part-time patrol by deputies on a daily basis.

Mr. Paul Clark seconded the comments of Mr. Bruno.

Mr. Ted Helsted indicated he would like access in the winter time. This would require snow removal on the main roads.

Sheriff, Lamar Guymon indicated the main problem is housing a fire truck and the increased man power to do the requested patrolling. He noted there is a substation located at the Kurtz cabin. He indicated plowing of the roads would be an asset for his deputies.

Mr. Bob Kurtz expressed appreciation to the County Road Department for the assistance they have given in maintaining the roads.

County Attorney, David Blackwell responded in that possibly consideration needed to be given to creating a special service area and discussed problems of residency, it was uncertain as to whether a special service district could be created.

It was the recommendation of Commissioner Mark Justice that they continue looking into this matter. Therefore, it was his motion to ask the County Attorney to pursue the various options and that he meet with the home owners group and come back to the Commission with possibilities at which time the Commission would revisit this matter. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(4)

#### ECONOMIC DEVELOPMENT - GREEN RIVER SIGN CONTRACT

Economic Development Director, Rosann Fillmore informed the Commission that Green River has agreed to allow the Emery County Economic Development to use the back side of their sign which actually is in the name of Emery County. Therefore, she indicated she had received one bid for constructing the back of the sign from Darrel Oliver in the amount of \$9,500.

Whereupon, motion was made by Commissioner Mark Justice to advertise this for formal bidding and that the award be made subject to the budget. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(5)

## APPOINTMENT TO THE TAF BOARD

Economic Development Director, Rosann Fillmore recommended Lamar Guymon to be appointed to the TAF Board as a law enforcement representative. Motion was made by Commissioner Mark Justice to appoint Sheriff, Lamar Guymon to the TAF Board. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(6)

## FENCING CONCERNS AT THE WOODSIDE CEMETERY

Commission Chairman Kent Petersen had received a request from Gayle Miles requesting authorization to fence the Woodside Cemetery. There presently is no fence. As a result, the cattle are causing some damage. Sheriff, Lamar Guymon pointed out that presently Woodside has been fenced and there is no access into the cemetery. He inquired as to the County's ownership of the old highway which the owners have also fenced. He noted the cemetery is not fenced in, but access has been limited due to fencing by the present owners.

Whereupon, motion was made by Commissioner Mark Justice to ask Road Superintendent, Rex Funk to make contact with the owner of the Woodside station and come back to the Commission with more details. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(7)

## CITIZEN CONCERNS

A) Swinging Bridge Rededication - Commission Chairman Kent Petersen reviewed his discussions with Montell Seely. Wherein, the historical society has requested that in the 50 year re-dedication of the swinging bridge that they would like permission to remove the large rocks which block the entrance and allow vintage age and other automobiles to pass over the bridge for one last time. This is to take place on November 19.

Therefore, this was discussed with Road Superintendent, Rex Funk. Motion was made by Commissioner Mark Justice to open the San Rafael Swinging Bridge on the day of November 19, 1994, as part of the commemorative activities, allowing vehicles to traverse at that time. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(8)

## TAX ADJUSTMENTS

A) Mencos Mining - Assessor, James Fauver reviewed a letter received by

Treasurer, JoAnn Behling from the Utah State Tax Commission dated November 25, 1994. Wherein, they have investigated the Mencos Mining, located South of Ferron. This company is delinquent in its 1992 and 1993 taxes. The company is no longer in existence. All personal property items of value have been removed. Therefore, there is no property for the County to seize to cover the taxes. The Commission was requested to abate the taxes on that property.

Whereupon, motion was made by Commissioner Mark Justice to abate the taxes on the Mencos Mining as recommended by the Utah State Tax Commission. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

B) Chester Brazier - Mr. Chester Brazier has requested for a review of his properties. This request was made after the Board of Equalization. Mr. Fauver indicated there is a need to make an adjustment. He would like to make an Assessor's adjustment. Whereupon, motion was made by Commissioner Mark Justice to approve the Assessor's action. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

C) Mitch Vetere - Mr. Fauver noted that the trailer has been moved from the property and there is no way to collect any taxes on the trailer. Therefore, it was his recommendation that these taxes also be abated. Motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to abate the taxes as requested. Motion was approved by all members present.

(9)

#### WIDOW/VETERANS EXEMPTIONS

Auditor, Karen Truman informed the Commission that under the Widows of Veterans tax exemption one of two properties was left off from those belonging to Ann Marie Jones. Therefore, it was her recommendation that the second parcel also be allowed for veterans exemption.

Whereupon, motion was made to that effect by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen. Motion was approved by all members present.

(10)

#### PRESENTATION OF TENTATIVE 1995 BUDGET

The 1995 Tentative Budget is in balance and includes actual requests submitted by departments in the County. Those departments not submitting a request were budgeted with the same budget as 1994.

The total Tentative Budget for the General Fund including Class B Roads is \$10,366,213 (general being \$8,889,922 and class B being \$1,466,291). The

budget for the county Library Fund is \$639,913, which includes a tax increase of \$19,000. The budget for Transient Room Tax is \$10,000. The budget for Economic Development is \$145,014 and the budget for the Enterprise Fund is \$11,000.

The tentative budget includes a one step increase for career service employees which averages at 1.94%. The elected and appointed officials and others who are exempt from the personnel policy have been budgeted a 1.94% increase also. The County's medical insurance premium per person has been increased in the tentative budget by \$90 per employee on the plan, to meet the rising cost of health care.

In order to meet the requests, the use of fund balance has been increased by \$1,099,313 in the General Fund.

Necessary use of fund balance in the General Fund is required for a carry over of unexpended Drug Interdiction Forfeitures of \$92,377, carry over of unexpended Ambulance Grant of \$11,656, and carry over of unexpended Flood Control funds in the amount of \$283,693. The total necessary use of fund balance equals \$387,726.

Whereupon, the Commission also agreed to set the date of November 16, 1994, to begin the budget review process between the hours of 8:00 to 11:00 a.m. and again on November 18, 1994, from 8:00 up to 4:00 p.m.

(11)

#### AUDITOR'S BUSINESS

A) Warrant/Check Edit List and Requisitions - Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #76197 through and including #76335 for payment.

Motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the warrants for payment. Motion was approved by all members present.

B) Disposition Forms - Presented was a disposition form for a calculator. Motion was made by Commissioner Mark Justice to junk the calculator because of its poor condition. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

C) Clerk's Office Old Photocopy Machine - Presented was disposition of the Clerk's photocopy machine. Commission Chairman Kent Petersen advised that the Chamber of Commerce has requested the copy machine which came from the Clerk's office. This previously having been approved for disposition in a County auction. Therefore, it was the motion of Commissioner Mark Justice to donate

the copy machine from the Clerk's office to the Chamber of Commerce. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(12)

#### COMMISSION MINUTES

The minutes from the October 5, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the minutes as corrected. Motion was approved by all members present.

The minutes from the October 19, 1994, Commission meeting were reviewed. Motion was made by Commissioner Mark Justice and seconded by Commission Chairman Kent Petersen to approve the minutes as presented. Motion was approved by all members present.

(13)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items:

A) Vacation Carry Over - Discussed by those elected officials and department heads present, was a brief review made as to additional vacation carry over. This having been recommended by an employee of the County that this be increased from 5 days to 15 days.

Clerk, Bruce C. Funk suggested that this be reviewed further with the department heads and other elected officials that consideration be given to other options such as a fewer number of days.

Road Superintendent, Rex Funk expressed various concerns in the amount of dollars the County would have to budget as well as other concerns expressed in his previously provided memo to department heads and elected officials.

Sheriff, Lamar Guymon indicated he had not been in attendance to meetings.

Personnel Director, Pat Snowball noted that the policy is a good one and possibly some clarification needed to be made. The policy did not effect that many. The policy allows for special consideration on specific individuals.

Mr. Fauver indicated it needed to be resolved and it had little or no impact on his office.

Auditor, Karen Truman discussed little or no effect on her office. There exists the additional liability to carry over sufficient funding for payment

of those days should those individuals quit.

Commissioner Mark Justice noted that it does not alter the original intent of the vacation carry over. What is being looked at is simply the number of days.

Therefore, motion was made by Commissioner Mark Justice to direct the County Attorney's office to prepare a Resolution for consideration and adoption at the next Commission meeting allowing for a 10 day vacation carry over rather than the present five days. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Also agreed by the Commission was the existing wording be changed to eliminate the vacation time borrowing.

B) Holiday Schedule - Personnel Director, Pat Snowball indicated she did not see a need to change the policy. Questions were directed to the Court and Motor Vehicle.

Commission Chairman Kent Petersen noted that most persons who he had communicated with did not feel that strong to change the vacation days. In light of that, it was his recommendation and consensus of the Commission that no change be made to the holiday schedule.

C) Employee Committee - Commission Chairman Kent Petersen indicated that consideration needed to be given to the value of the employee committee, its make up and possibly that the County forget such a Committee.

Personnel Director, Pat Snowball noted that the employee committee was originally sanctioned by the Commission on February 5, 1992. She reviewed sections of its bylaws. Questions were raised about the terms of the representatives.

Carol Ware responded and discussed the appointment and process of the representatives.

Commissioner Mark Justice noted it to be valuable and recommended its continuance. Possibly the appointments to that Committee be given further study.

Therefore, it was the consensus of the Commission to table any further consideration at this time. That they visit with the committee and that the committee determine proper methods for staffing. The Commission recognized the important contribution that they have made.

D) Sheriff's Department - Mrs. Snowball recommended that a new job classification be created within the department which would be called Correctional Officer and that classification be a series of levels: Correction Officer I,

Grade 7; Correctional Officer II, Grade 9; Correctional Officer III, Grade 14. The position will require P.O.S.T. Correctional training. It will not be exempt for the purposes of the Fair Labor Standards Act.

Furthermore, that the people occupying these positions will see the following change: LeeAnn Skippis, from Secretary/Matron, Grade 6, Step G at the rate \$8.88 per hour to Correctional Officer II, Grade 9, Step C or \$9.27 hour; Sandy Grim, from Secretary/Matron, Grade 6, Step F or \$8.70 per hour to Correctional Officer II, Grade 9, Step B or \$9.07 per hour; and Kathy Jensen from Executive Secretary, Grade 9, Step K or \$10.96 per hour to Correctional Officer III, Grade 14, Step C or \$11.44 per hour.

Motion to approve the job description, step and grade was made by Commissioner Mark Justice, seconded by Commission Chairman Kent Petersen and approved by all members present.

(14)

#### COMMISSION REPORTS

Commissioner Mark Justice:

1. He noted that the Centennial Commission is looking for a new chair. They are also looking for applicants or suggestions of persons who could serve. Suggested were Kim Player and Jerilyn Mathis.
2. He discussed upcoming meetings tonight in the Courthouse on the public land issues at 7:00 p.m.
3. He informed the Commission that Elaine Hatch will be retiring effective the end of the year.

(15)

#### BRENT TUTTLE - EMERY RECYCLING

Brent Tuttle discussed the funding of the Emery Recycling. He noted it is in place. They are expecting to pour footings on about November 9, 1994. They need Commission review and action in regards to the agreement being considered between the two groups.

(16)

#### EXECUTIVE SESSION

Motion was made by Commissioner Mark Justice to adjourn into Executive Session at 6:36 p.m. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Those present during Executive Session were Commissioners Mark Justice and Kent Petersen; County Attorney, David Blackwell; and Clerk, Bruce C. Funk.

Discussed in that meeting was the operation of the Huntington Airport.

The regular meeting reconvened at 11:51 a.m. with all members present.

(17)

MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the Commission meeting at 11:51 a.m.

ComMin11-14-94

#### MINUTES OF THE MEETING

#### OF THE BOARD OF EMERY COUNTY CANVASSERS

#### HELD IN THE EMERY COUNTY COURTHOUSE

November 14, 1992

Those present were as follows: Commission Chairman Kent Petersen; Sheriff, Lamar Guymon; Assessor, James Fauver; Clerk, Bruce C. Funk; Deputy Clerks, Julie Winn and Wendi Downard.

Commission Chairman Kent Petersen convened the Board of Canvassers at 12:00 noon for the purpose of canvassing the Emery County General Election and Castle Valley Special Service District Bond Elections held November 8, 1994, as prescribed under the Utah Code with proper notice having been posted.

The results of the General Election following the canvass, including all corrections and absentee ballots are as per the attached sheets.

Whereupon, motion was made by Sheriff, Lamar Guymon to accept the results of the official canvass of the General Election as determined. Motion was seconded by Assessor, James Fauver and approved by all members present.

Sheriff, Lamar Guymon made a motion to recess the canvassing of the Castle Valley Special Service District Bond Election to Wednesday, November 16, 1994, at 5:00 p.m. Motion was seconded by Assessor, James Fauver and approved by all members present.

Commission Chairman Kent Petersen adjourned the meeting at 1:13 p.m.



The meeting adjourned at 1:10 p.m.

ComMin11-16-94

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

November 16, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:33 p.m. The delay was due to the Public Hearing held prior to the regular Commission meeting.

(1)  
BID OPENING FOR GREEN RIVER SIGN

Economic Development Director, Rosann Fillmore reviewed with the Commission that in the last Commission meeting, it was the commission's recommendation that Economic Development advertise for bids for construction of the frame on the billboard located near Green River. Mrs. Fillmore indicated they have now done that. They have received one bid which Clerk, Bruce Funk opened. The bid was from Derald Oliver in the amount of \$9,500 to construct frame work on the back side of the Green River sign located at milepost 157.25 as specified in the Emery County Progress advertisement of October 8, 1994. Mr. Oliver included his contractor license number as well as his master electrical license number.

Whereupon, motion was made by Commissioner Mark Justice to acknowledge receipt of the bid received from Mr. Oliver that this bid be referred to the Economic Development Council for further consideration and action. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(2)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for

Commission consideration:

A) Assessor's Office - Requests approval to recruit "in-house" for a Deputy Assessor I, Grade 4, Step A or \$7.21 per hour. This would help fill the void left by the resignation of Gayla Luke and the election of Dixie Swasey as County Recorder. This position would be full time, career service.

B) Assessor's Office - Assessor, James Fauver has requested the personnel office to seek approval to conduct a review of the Appraiser III and Deputy Assessor III positions since the duties and responsibilities of these positions have changed significantly since they were written.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the "in-house" recruitment process as well as approval to conduct a review of the Appraiser III and Deputy Assessor III positions as requested. Motion was seconded by Commissioner Mark Justice and approved by all members present.

C) Road Department - At the Commission meeting on October 19, 1994, request was made and approval given to immediately hire one individual and to hire a second individual from the same group of applicants to replace Don Morland at the time he retires.

Therefore, Mrs. Snowball submitted for consideration and approval the names of two individuals to be hired by the Road Department. The first is Bruce Pierce as an Operator I, at a Grade 7, Step A or \$8.16 per hour effective November 17, 1994, and the second is L.D. Jensen as an Operator I, at a Grade 7, Step A or \$8.16 per hour effective January 3, 1995. However, an offer of employment would not be made to Mr. Jensen until Mr. Morland formally resigns his position with the County.

Whereupon, motion to approve the hiring of Bruce Pierce as presented and L.D. Jensen pending formal resignation of Mr. Morland was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

D) Clarification of Temporary 90 day Hires - Mrs. Snowball inquired of the Commission, noting there has been some confusion as to the length of hire for the 90 day temporary employees. She inquired as to whether that is calendar days or working days.

The Commission inquired of those present as to what their understanding was. It was the consensus of the Commission based on the responses that they agree to defer any action on this matter until the next Commission meeting.

E) Employee Committee By-Laws - It was the consensus of the Commission that any consideration of the Employee Committee be tabled at this time in order to

allow the Employee Committee to meet and review their by-laws and that they would be on the next Commission meeting agenda.

F) Resolution 11-16-94 - This resolution amends the Personnel Policy to 10 days carry over vacation. Commissioner Mark Justice in a follow up of Commission action of November 2, 1994, made a motion to approve Resolution 11-16-94A. Wherein, the Resolution amends the Personnel Policy to allow for a 10 day vacation carry over, that the Emery County Travel Rules and Regulations dated November 7, 1984, in its entirety be deleted from the Personnel Policy. These travel rules and regulations will be covered outside the present Personnel Policy. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

#### EMERY COUNTY TRAVEL BOARD - DIRECTOR POSITION

Commissioner Mark Justice noted that the Emery County Travel Board has met. They are developing their by laws. Their request of the commission at this time would be to solicit approval to begin the advertising and recruitment of a part-time director who would be without benefits and serve under the direction of the Board and indirectly under the Emery County Commission. This will have a similar job description as for the director of the Castle Country Travel Council. The main responsibility would be to coordinate travel promotions within the County. The Museum Board has agreed to provide an office there. In responding to a question, Commissioner Justice anticipated that the salary range would be from \$500 to \$700 per month.

Discussed with Auditor, Karen Truman was how the present funds are being received and the need to set up an account for disbursing those funds.

Whereupon, motion was made by Commissioner Mark Justice to authorize the advertising and recruitment of a part-time director for the Emery County Travel Board. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(4)

#### PUBLIC DEFENDER BID OPENING

Clerk, Bruce C. Funk noted that three bids had been received. The first bid was from Allen S. Thorpe of Castle Dale who submits his bid for providing public defender services for Emery County. Wherein, he would continue as public defender at the same reimbursement rate as currently being received, including health insurance benefits with a request that payments be treated as salary and paid bi-weekly rather than as part salary and part costs. The second bid was received from David M. Allred of Castle Dale who submitted a bid for contract of Emery County Public Defender for a sum of \$28,800,

excluding civil rights actions, habeas corpus actions and the first right of appeal cases which will be billed additionally at the rate of \$60 per hour with a maximum cap of \$5,000 for appeals, excluding extraordinary costs. The third bid received was from the office of Keller, Jensen, Harrison and Bunnell. Wherein, Michael Harrison submitted a bid on behalf of himself providing legal services for indigent defendants in conflict cases. Wherein, he would assist in those cases where the public defender was in conflict and would be willing to do so at the hourly rate of \$80 per hour.

Therefore, all bids were submitted to the Commission and County Attorney for further review. It was the consensus of those present that the Auditor, County Attorney and Commission meet together to review the proposals for consideration at the next Commission meeting.

(5)

#### DARREL LEAMASTER - CLARIFICATION ON MINERAL LEASE MONIES

Castle Valley Special Service District Administrator, Darrel Leamaster approached the Commission asking for clarification to the mineral lease monies which in the Commission meeting minutes of April 15, 1994, the Commission committed 15% of those monies to the Castle Valley Special Service District, effective January 1, 1995. He inquired if those funds would be made available after the first of the year or if they would be earned during the months of January, February and March and payment would be received in April of 1995. Because of the accrual accounting method used in both the Castle Valley Special Service District and Emery County. Mr. Leamaster was advised that the funds would be earned during the first quarter and paid thereafter.

Mr. Leamaster inquired as to a more formal agreement. The County Attorney's office was asked to review this.

Bevan Wilson recommended that one agency receive those monies as presently and distribute them from that agency, leaving a paper trail.

County Attorney, David Blackwell recommended adoption of a Resolution designating 15% of the mineral lease monies of the Emery County Special Service District #1 be transferred to the Castle Valley Special Service District and that an Interlocal Agreement be entered into between those two agencies.

(6)

#### FOREST SERVICE ROAD MAINTENANCE AGREEMENT

The Commission having held a Public Hearing previously this evening in regards to the Forest Service transferring maintenance of a number of Forest roads to

the County, wherein, the County would receive Class B road monies for maintenance of those. It was the consensus of the Commission at this time to take no action and review this matter further in light of the questions raised at the public hearing such as the access to materials and assurance that the Forest Service is willing to provide a site which would be desirable, questions as to road right of ways and a number of other things which need to be further clarified.

(7)

#### TAF BOARD APPOINTMENTS

Economic Development Director, Rosann Fillmore presented the following names for appointment to the TAF Board. Those names are Jennifer Smith, who represents some aspects of the health industry and Allen Childs who represents coal mining. Whereupon, motion was made by Commissioner Mark Justice to appoint Allen Childs and Jennifer Smith as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### ECONOMIC DEVELOPMENT BOARD APPOINTMENT

Economic Development Director, Rosann Fillmore requested the Commission to appoint someone on the Economic Development Council over beautification. She recommended the name of Carol Ware. Whereupon, motion was made by Commissioner Mark Justice to appoint Carol Ware to the Economic Development Council as recommended. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(9)

#### APPOINTMENT TO THE EMERY COUNTY CENTENNIAL COMMISSION

Motion was made by Commissioner Dixie Thompson to appoint Jerilyn Mathis as Chairman of the Emery County Centennial Commission. This is to replace Loran Huntsman who has resigned. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(10)

#### COUNTY TREE DECORATIONS

Commissioner Mark Justice made a motion requesting that Sharon Earl be allowed to decorate the County tree with cancer society ornaments. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(11)

## EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT - SPECIAL ELECTION

Commissioner Mark Justice informed the Commission that the Recreation Board has met and that they have requested that the County proceed with a special election in regards to requiring a financing source for the County Recreation. This to be a permanent funding source. Things that could be looked at is a tax rate or mineral lease monies. Their recommendation was for in light of a previous request for 15% of the mineral lease monies.

It was the consensus of those present that this be referred to the County Attorney's office to verify the requirements for such initiative and the time frame.

### (12) OPEN VS. CLOSED ROADS

Commission Chairman Kent Petersen read from a memorandum received from Mary Manley of the Attorney's Office in regards to those roads which are designated as opened or closed.

Mike Cox indicated he would like some document from the Board stating the policies and locations of open and closed roads. He noted that he was particularly interested in Highway 31 and the Morland road.

Commissioner Petersen, in reading from the memo, noted that he has been advised by the County Attorney's office that the roads are basically opened and those roads in which the County does want closed have to do so either by fencing or posting.

It was Commissioner Mark Justice's suggestion that representatives of the Sheriff's office, Road Department and Attorney's office meet and invite any other groups such as the Cattleman's Association to be a part of that group and make a determination as to which roads ought to be opened and closed. They are to report back to the Commission in 90 days. Motion to that effect was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

### (13) EMERY COUNTY WATER CONSERVANCY DISTRICT - BUDGET REVIEW

Commission Chairman Kent Petersen noted that the Commission has been provided with the Emery County Water Conservancy District budget. Although the Commission does not statutorily approve the budget, their request of the Commission was to whether the commission had any objections.

Whereupon, motion was made by Commissioner Mark Justice to note that the Commission had no objection to the proposed budget. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(14)

#### APPROVAL OF U.S. FOREST SERVICE PLANNING CONTRACT

Economic Development Director, Rosann Fillmore informed the Commission that the U.S. Forest Service planning proposal, wherein they are paying \$10,000 in grant monies for implementation and action plan. Therefore, they have entered into an agreement which is before the Commission between Emery County and Bonneville research or Robert L. Springmeyer, Jr., President, for the sum of \$9,000 to provide this plan. She noted that he will adjust the cost for those items already done by the Economic Development Board. She further emphasized that although the agreement indicates that it would be finished by February because of the late start in processing the paper work could be late March.

Whereupon, motion was made by Commissioner Mark Justice to accept the Agreement for Professional Services with Mr. Springmeyer. This is to be done after Rosann Fillmore provides additional information to Commissioner Dixie Thompson who expressed concern over the hiring of Mr. Springmeyer. Motion was seconded by Commissioner Dixie Thompson and approved by all members present. Commission Chairman Kent Petersen was authorized to sign the agreement at this time pending Commissioner Thompson's approval.

(15)

#### HUNTINGTON AIRPORT CONTRACT

County Attorney, David Blackwell informed the Commission that they still need to discuss matters in regards to the Huntington airport. One is that Kevin Robison is to receive \$875 from the County and he would like to use the mobile home and has suggested would reducing that subsidy to \$800 per month. Discussed was the fuel in the tanks. Wherein, Mr. Robison has agreed to pay off the fuel to Emery County at the rate of .55 cents per gallon. Also discussed was the old fuel which could be used in cars. There is approximately 390 gallons. It was agreed that would be used up by County vehicles.

After further discussion, motion was made by Commissioner Mark Justice to accept the contract as modified by the County Attorney and authorize Commission Chairman Kent Petersen to sign any additional documents as they become ready. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(16)

#### PURCHASE OF HUNTINGTON AIRPORT MOBILE HOME

Motion was made by Commissioner Mark Justice to purchase the mobile home located at the Huntington airport at the price of \$14,000. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(17)

#### CONSIDERATION OF APPROVAL OF 1994 PROPERTY TAX ADJUSTMENTS

Auditor, Karen Truman presented the request to the Commission to make a Commission adjustment to the property taxes belonging to Faye Todd who had filled out an application in 1993. She did not qualify at that time because ownership had been relinquished to a child, it is now back in her name. This was recorded in 1994 but she missed the filing deadline. Therefore, it was the Auditor's recommendation that the Commission make an adjustment on the 1994 property taxes. Motion to that effect was made by Commissioner Dixie Thompson, seconded by Commissioner Dixie Thompson and approved by all members present.

On behalf of Assessor, James Fauver, Mrs. Truman presented the properties for Al T. and Doris Christensen of Cleveland. She noted that the property had previously been deleted and then reappeared and because of a computer error was combined with another. Therefore, it was her recommendation that this also be adjusted to zero.

Also, Mt. Fuel in a similar situation was being assessed doubly on a similar property. It was her request that the Commission adjust those taxes amounting to .12 cents.

Also, Elaine and Kitty Larsen, that it be the recommendation of the Assessor that this be adjusted upward in that the residence have been missed on the property. Mrs. Larsen is aware of that. This would be an adjustment from \$237.26 up to \$710.11.

Whereupon, motion was made by Commissioner Mark Justice to approve the three assessor adjustments as recommended. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Also presented to the Commission was the need to adjust the property tax for the Willie Sepulveda property in the amount of \$181.08 in that they are indigent and would qualify. The individual is not able to work. Therefore, motion was made by Commissioner Mark Justice to abate the taxes for Willie Sepulveda in the amount of \$181.08.

Also discussed was the property taxes and a request from Patricia Huntington from Orangeville wherein she was requesting any consideration in reduction of her taxes. Auditor, Karen Truman noted that she had been given the maximum



reduction under the indigent abatement.

Whereupon, motion was made by Commissioner Dixie Thompson to abate one-half of the remaining \$751 taxes. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(18)

#### RURAL UTAH PUBLIC LANDS COUNCIL - AGREEMENT

Whereupon, motion was made by Commissioner Dixie Thompson to accept the memorandum of agreement with the Rural Utah Public Lands Council. This is for services provided by a lobbyist through that council. This being the third year that Emery County has participated in this in the amount of \$8,500 for the year 1995. Motion was seconded by Commission Chairman Kent Petersen. Those voting in favor were Commission Chairman Kent Petersen and Commissioner Dixie Thompson. Commissioner Mark Justice voted against. Whereupon, motion passed.

(19)

#### AMENDMENT #1 TO THE FY95 SOUTHEASTERN UTAH AREA AGENCY ON AGING CONTRACT

Commissioner Mark Justice informed the Commission that the USDA rather than providing commodities in the amount of \$831 to the Southeastern Utah Area Agency on Aging. Therefore, the purpose in amending the original contract is to show in the contract receipt of that amount in funds rather than in commodities. Whereupon, motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to modify the contract to reflect those monies received. Motion was approved by all members present.

(20)

#### EMERY COUNTY COMMUNITY FOUNDATION

Bonnie Swenson came before the Commission to discuss the organization of the Emery County Community Foundation. Its purpose as a non-profit organization to help tap into funds available through other foundations. Also, to apply for grants for specific projects. They would like to begin work on their by-laws and articles of incorporation. Their request of the Commission is use of the County Attorney's office to look over the documents and secondly funding. Wherein, they presently need \$20 filing fees for the State, \$300 for the Federal and other copy costs. Their total request for 1995 would be for \$2,000. This foundation is anticipated that it would go on and reach future generations. It was suggested that this funding request be submitted to the County Auditor as a budget request for 1995. However, after further discussion, motion was made by Commissioner Mark Justice to grant \$500 out of this year's budget and that the group make an official request to the Auditor for

1995 funding. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(21)

#### AUDITOR'S BUSINESS

Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #76541 through and including #76689 for payment.

Commissioner Mark Justice made a motion to approve the warrants for payment. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(22)

#### EMPLOYEE CHRISTMAS GIFT

Motion was made by Commissioner Dixie Thompson to issue the \$25 gift certificate to the County employees, this to include the EMT's and temporary workers. These certificates are to be redeemed at local Emery County merchants. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(23)

#### MEETING ADJOURNMENT

The meeting was adjourned by Commission Chairman Kent Petersen at 8:47 p.m.

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### MINUTES OF THE SPECIAL MEETING

### OF THE CANVASS OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT

### BOND ELECTION

### HELD IN THE EMERY COUNTY COURTHOUSE

November 16, 1994

Those present were as follows: Commission Chairman Kent Petersen; Commissioner Mark Justice; Clerk, Bruce C. Funk; and Castle Valley Special Service District Administrator, Darrel Leamaster.

Commission Chairman Kent Petersen convened the Board of Canvassers at 5:00

p.m.

(1)  
CANVASS OF CASTLE VALLEY SPECIAL SERVICE DISTRICT BOND  
ELECTION

Presented to the Canvassers were the returns of the Special Bond Election held in the District on November 8, 1994. This included a list of challenged voters which had been certified by the County Clerk and by the election officials appointed to conduct the Bond Election, together with all absentee ballots in the custody of the Clerk's office. All votes cast for the Bond Election were 3,185. This included 2,140 "Yes" votes and 945 "No" votes.

Whereupon, motion was made by Commissioner Mark Justice to accept the results of the canvass which includes all absent voter ballots. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(2)  
RECONVENE CANVASS OF NOVEMBER 14, 1994

Commissioner Mark Justice reconvened the regular canvass of November 14, 1994, which had been recessed at that time. There being no other matters, it was his motion to reconvene and adjourn that meeting. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(3)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 5:23 p.m. was made by Commissioner Mark Justice, seconded by Commission Chairman Kent Petersen and approved by all members present.

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MINUTES OF A PUBLIC HEARING  
ON THE MAINTENANCE AND TRANSFER OF FOREST SERVICE  
ROAD TO EMERY COUNTY  
HELD IN THE EMERY COUNTY COURTHOUSE  
November 16, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

Commission Chairman Kent Petersen convened the Public Hearing at 5:30 p.m. for receiving public comment concerning the proposed agreement between Emery County and the Forest Service. Wherein, the Forest Service will transfer maintenance of a number of Forest roads to the County. He then turned the time over to Aaron Howe of the Forest Service.

Mr. Howe described in detail those roads being considered. (The roads discussed are as per the attached revised Schedule A provided by the Forest Service.)

The following comments were received by the public.

Commissioner Dixie Thompson inquired as to access across the private land in the Mary's Lake roads.

Mr. Howe indicated that they have been communicating with those land owners and it has proved to be unsuccessful. It would be his hope that the County would take what action was necessary in order to attain legal right of ways and access on those roads.

Commissioner Dixie Thompson also inquired as to access to gravel pits. Mr. Charles Jankiewicz of the Forest Service indicated it was not the intent of the Forest Service to work out an agreement and then make it difficult to obtain crushed gravel.

Road Superintendent, Rex Funk noted that preferably they like gravel within a five to seven mile haul.

Clay Wilberg inquired as to any consideration in buying gravel from private land which he owns.

Commission Chairman Kent Petersen emphasized that what is being looked at in the agreement is not a high level maintenance, that it will basically be grader work. By taking on the additional work it would mean that other roads throughout the County would receive less maintenance. This would make the roads part of the County B road system. Adding approximately \$27,000 to \$30,000 to the road budget.

Commissioner Dixie Thompson inquired if the County would be accepting liability. Mr. Howe noted that the jurisdiction is not being transferred. It would be a joint liability with the County being responsible for the liability on the maintenance. The Forest Service would be liable for the design.

Commission Chairman Kent Petersen inquired if the Forest Service would provide a number of culverts and the necessary right of ways.

Sheriff, Lamar Guymon noted that improvement of the roads would be better for his department.

Russell Nelson of Ferron indicated that this would be better for the County. He noted damage received to his vehicles in touring the present Forest roads.

Road Superintendent, Rex Funk again emphasized that the level of maintenance here would be to minimal standards. Basically blading and shaping.

Rue Ware inquired of any traffic counts. Most roads have not had any traffic count in eight to ten years except those in the recreational areas in the last two years.

Craig Johansen of Johansen and Tuttle Engineering addressed the Commission in hopes that they understood that this does not net additional roads in the name of the County. However, it does bring in additional Class B maintenance funds. There are no additional right of ways. It is the existing travel widths. There are no barrow areas. He discussed problems in working with the Forest Service in the past. He questioned the Class B funding and the need to maintain a standard acceptable to receive Class B funds. He inquired as to other Counties who have agreements with the Forest Service.

Mr. Howe noted several Counties which seem to be successfully maintained by the County.

Mr. Johansen recommended that the Commission this first year go very slow and look at just grading and the problem areas.

There being no other comments, the Public Hearing was closed by Commission Chairman Kent Petersen at 6:33 p.m.

ComMin12-7-94

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE  
December 7, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

The invocation was given by Commissioner Mark Justice.

(1)

PUBLIC HEARING ON 1994 EMERY COUNTY CENTENNIAL FUND, EMERY COUNTY ENTERPRISE FUND AND EMERY COUNTY E-911 FUND

Commission Chairman Kent Petersen opened the meeting to a public hearing for the purpose to receive public comments on the 1994 budgets for the Emery County Centennial Fund, Emery County Enterprise Fund and the Emery County E-911 Fund. He then turned the time over to Auditor, Karen Truman to review the purpose for setting the 1994 budgets for these funds.

Auditor, Karen Truman distributed to those present the 1994 Revenue and Expenditure budget for the County Enterprise Fund, Centennial Fund and E-911 Fund. She informed those present that the Enterprise Fund was established in July. As to the E-911 Fund, it was uncertain as to those receipts that would be collected. Therefore, no official budget had been set until this time. In regards to the Centennial Fund, those monies were deposited in the General Fund.

Whereupon, Commission Chairman Kent Petersen inquired if there were any public comments in regards to any of these three funds. There being none, he closed the public hearing at 9:09 a.m.

(2)

APPROVAL OF RESOLUTION ADOPTING THE 1994 BUDGETS OF THE EMERY COUNTY CENTENNIAL FUND, EMERY COUNTY ENTERPRISE FUND AND EMERY COUNTY E-911 FUND

Auditor, Karen Truman presented to the Commission for their consideration, Resolutions 12-7-94A, 12-7-94B and 12-7-94C. These are the proposed adopted budgets for the Emery County Centennial Fund, the Emery County E-911 Fund and the Emery County Enterprise Fund respectively. The Commission having previously held a Public Hearing in regards to these proposed budgets. Therefore, motion was made by Commissioner Mark Justice to approve those same Resolutions for those funds as described. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(3)

## UPDATE ON UP&L/PACIFICORP

Larry Ellertson, Area Manager for Utah Power and Light, addressed the Commission. He began by publicly thanking the Commission and Emery County in regards to the recent bond refinancing. He discussed reorganization that has taken place within Pacificorp and their recent meetings with employee groups in hopes of becoming more effective and efficient in operation of their plants. He reviewed plans on the Trail Mountain Mine. Eventually it would become an extension of the existing Cottonwood Mine. They anticipate installing the conveyor in the Spring of 1995. In late 1996, the longwall will be moved into Trail Mountain. He also discussed the Rilda Canyon portal. He indicated that would be strictly used for air and power. They are presently in the process of permitting that with DOGM.

The Commission expressed appreciation to Mr. Ellertson for being in attendance and updating them on activities within Pacificorp and UP&L. Also present was Gene Hess of Utah Power and Light.

(4)

### CITIZEN CONCERNS

A) Emery County Landfill - Cattle Settlement - Clay Wilberg requested of the Commission payment for the death of cows which had been in the County landfill prior to the fencing, which it is suspected that most died of hardware poisoning. Noted were two two-year old heifers which died approximately June 1993. The total value was \$1,230. Another four-year old cow which also died at the landfill had value of \$605. One Brarangus bull which died in May of 1994 at a value of \$1,260. In addition, he had two yearlings, a heifer which died in September 1994 with a value of \$450 and a steer which is still alive, but is only worth about \$100 to \$150.

Therefore, he was requesting settlement in the amount of \$3,845.

Commissioner Mark Justice inquired of Mr. Wilberg whether he would be willing to sign a release that this was all the livestock that the County would be responsible for now and in the future. Mr. Wilberg indicated that he would do so since the landfill has been fenced and he did not foresee any other problems.

Road Superintendent, Rex Funk confirmed the death of some of the animals at the landfill.

Therefore, motion was made by Commissioner Mark Justice to accept the offer and settlement in the amount of \$3,845 to Clay Wilberg in that he sign a release, releasing the County from any future obligations in regards to claims made on the County. Motion was seconded by Commissioner Dixie Thompson and

approved by all members present.

B) Circuit Breaker - Ada Nielsen - Treasurer, JoAnn Behling informed the Commission that Ada Nielsen of Ferron did not qualify for circuit breaker this year in that her property had been deeded in the name of a daughter. However, previously she had qualified for circuit breaker in the amount of \$304, total taxes due on the property are \$445.54. The Commission expressed concern in that such a request would be for a tax adjustment for the daughter rather than for Ada Nielsen and would be more comfortable should the deed be recorded back in the name of Ada Nielsen or jointly.

Therefore, after further consideration, motion was made by Commissioner Dixie Thompson to direct Treasurer, JoAnn Behling in regards to this matter, to advise the party that the Commission would give more favorable consideration once this is recorded in the name of Ada Nielsen or jointly. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(5)

INTENT TO ISSUE TRANS - RESOLUTION 12-7-94D

County Attorney, David Blackwell presented to the Commission for their consideration Resolution 12-7-94D. Said Resolution declares the intent of Emery County to arrange for short-term financing to accommodate the anticipated operating capital deficits by issuance of Tax and Revenue Anticipating Notes (TRANS) as a participant in the Utah Association of Counties combined cash flow borrowing program.

Auditor, Karen Truman explained that the purpose of the TRANS is that the County does not receive their tax revenues until the end of the year. Therefore, they are able to borrow money for use in the first part of the year.

Whereupon, motion was made by Commissioner Mark Justice to approve Resolution 12-7-94D as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

AUTHORIZING 15% OF EMERY COUNTY'S MINERAL LEASE MONIES TO BE ALLOCATED TO THE CASTLE VALLEY SPECIAL SERVICE DISTRICT - RESOLUTION 12-7-94E

In a follow-up to a previous Commission meeting action, County Attorney, David Blackwell presented to the Commission Resolution 12-7-94E. Wherein, said Resolution authorizes 15% of Emery County's Mineral Lease revenues to be allocated to the Castle Valley Special Service District. These funds to be earned beginning January 1, 1995. The monies will be received by the Emery County Special Service District No. 1 who shall enter into an Interlocal



Agreement transferring the 15% entitlement to the Castle Valley Special Service District.

Motion was made by Commissioner Mark Justice to approve Resolution 12-7-94E, it having been authorized in a previous Commission meeting. Motion was seconded by Commission Chairman Kent Petersen. Commission Chairman Kent Petersen and Commissioner Mark Justice voting in the affirmative. Commissioner Dixie Thompson voted in opposition. Motion passed.

(7)

#### ATTORNEY'S BUSINESS

A) 1995 Public Defender Contract - County Attorney, David Blackwell recommended to the Commission the acceptance of the bid proposal for indigent defendants from David M. Allred. Mr. Allred submitted a proposal dated November 14, 1994, with the noted changes that the rights of appeal cases will be billed additionally at the rate of \$60 per hour, with a maximum cap of \$5,000 for two appeals, excluding extraordinary costs, after which would be billed hourly at the rate of \$60 per hour. The terms and conditions of the agreement are as outlined in the bid proposal. This being for the year 1995. Mr. Allred's contract is in the amount of \$28,800.

Whereupon, motion was made by Commissioner Dixie Thompson to accept the bid proposal for indigent defendants from David M. Allred and in accordance with the provisions of the bid proposal. Effective date is January 1, 1995. Motion was seconded by Commissioner Mark Justice and approved by all members present.

B) Bid Proposal for Indigent Defendants (Conflict Cases) - Mr. Blackwell also submitted to the Commission the previously submitted proposal from Michael Harrison. Wherein, Mr. Harrison would be willing to assist in those indigent defendants where the public defender has a conflict and would be willing to do so at the rate of \$80 per hour.

Whereupon, motion was made by Commissioner Mark Justice to accept the bid proposal from Michael Harrison for conflict cases at the rate of \$80 per hour. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

C) Employment Contract - Allen Thorpe - County Attorney, David Blackwell presented to the Commission the employment contract for Allen Thorpe. Wherein, Mr. Thorpe would be hired as a part-time Deputy County Attorney working 20 hours per week. He would primarily be responsible for the civil research for the County. Mr. Blackwell noted that he has cut areas of his budget in order to bring Mr. Thorpe on a part-time basis. He noted the increased load placed upon his office because of the RS-2477 and other federal

land issues, planning and zoning and many other areas which he is not able to keep up with.

Commissioner Mark Justice recommended that Section 3-B be eliminated. He further recommended that the Commission defer any action to the two new incoming Commissioners who were also in attendance at this time.

Commissioner-Elect Randy Johnson spoke in support of entering into the employment agreement with Mr. Thorpe and recommended the present Commission approve it at this time.

Commissioner-Elect Bevan Wilson also indicated his full support and commended Mr. Blackwell in being able to cut areas of his budget in order to work Mr. Thorpe in. He noted there are a lot of upcoming issues.

Whereupon, motion was made by Commissioner Mark Justice to approve the Employment contract as changed and authorize Commission Chairman Kent Petersen to sign the final document. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### FOREST SERVICE - IMPROVEMENTS TO THE STUART RANGER STATION

Those present from the Forest Service were Charles Jankiewicz, Bill Broadbear and Stan McDonald. Mr. Jankiewicz began by presenting pins of appreciation to outgoing Commissioners Mark Justice and Dixie Thompson. He then went on to outline the intended improvements at the Stuart Guard Station in Huntington Canyon. Wherein, they would like to make it into a visitor's center.

Wherein, better visitor information could be provided as well as on tourism in Emery County. There are federal monies available to make those improvements. His request of the Commission would be to work with Rosann Fillmore in applying for those grants.

Sheriff, Lamar Guymon discussed the great advantage it would be for the County to have communications equipment there. Mr. Jankiewicz indicated they would be willing to do that even without waiting for this project.

Bill Broadbear continued the discussion with the Commission. He outlined the planned improvements in more detail.

Mark H. Williams offered support through Eagle projects.

Upon conclusion, it was the consensus of the Commission to have the Forest Service begin the application process with Rosann Fillmore and indicated support for the project.

(9)

BUSINESS LICENSE

Clerk, Bruce C. Funk requested approval of a business license for Keven H. Robison doing business as K & A Airport Service and Kit Plane located at the Huntington Airport. Motion to approve the business as presented was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

(10)

HUNTINGTON AIRPORT LEASE AND MANAGEMENT AGREEMENT

County Attorney, David Blackwell presented to the Commission for signature the Lease and Management Agreement with Keven Robison. This having previously been approved. Therefore, Commission Chairman Kent Petersen signed the same.

(11)

1995 HOLIDAY SCHEDULE

Clerk, Bruce C. Funk presented to the Commission the proposed 1995 Emery County Holiday Schedule as follows:

1995 HOLIDAY SCHEDULE

New Year's Day 1995	Monday	01-02-95
Human Rights Day	Monday	01-16-95
President's Day	Monday	02-20-95
Memorial Day	Monday	05-29-95
Independence Day	Tuesday	07-04-95
Pioneer Day	Monday	07-24-95
Labor Day	Monday	09-04-95
Columbus Day	Monday	10-09-95
Veterans Day	Friday	11-10-95
Thanksgiving Day	Thursday	11-23-95

Christmas Eve	Friday	12-22-95 (1/2 day)
Christmas Day	Monday	12-25-95

Whereupon, motion was made by Commissioner Dixie Thompson to approve the holiday schedule as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(12)

#### PROPOSED 1995 EMERY COUNTY COMMISSION MEETING SCHEDULE

Clerk, Bruce C. Funk inquired of the Commission direction in preparing the 1995 Commission Meeting Schedule. The Commission conferred with incoming Commissioners who were present. It was agreed upon that the Commission would proceed with the Commission meetings being held on the first Wednesday of each month beginning at 9:00 a.m. and the third Wednesday of each month beginning at 6:00 p.m.

Whereupon, motion was made by Commissioner Dixie Thompson, seconded by Commissioner Mark Justice and approved by all members present. The Clerk's Office will prepare the notice to publish in the newspaper.

(13)

#### EMERY COUNTY SPECIAL RECREATION DISTRICT - SPECIAL ELECTION

Commissioner Mark Justice in a follow-up to the previous meeting inquired of County Attorney, David Blackwell as to a special election for the Emery County Special Recreation District. Mr. Blackwell responded in that the Utah Code does not allow under its Statutes an initiative which could change or effect budgets such as this would. Wherein, the Emery County Special Recreation District has requested a portion of the Mineral Lease monies. Mr. Blackwell agreed to address this with a detailed memo to the Board of the Recreation District.

(14)

#### TEMPORARY USE OF FUNDS BY THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT

County Attorney, David Blackwell informed those present that the Community Impact Board will provide a grant in the amount of \$528,000 to assist in the construction of the golf course at Green River. Those funds have not yet been received. The Recreation District has incurred obligations on the Golf Course in the amount of \$280,000. It was therefore the District's request of the County for funds to pay those obligations to be reimbursed back to the County when the CIB funds are released and available. This is similar to what is being done with the Fire District.

Auditor, Karen Truman requested that the term "Temporary Use" be used rather than "transfer" since those funds would be returned to the County.

Whereupon, motion was made by Commissioner Mark Justice upon review of the document and changes recommended there, that the Commission approve the Inter-local agreement and the effective date of the agreement be changed from December 15 to December 8 because of the Recreation meeting set for December 8. Wherein, they would need to approve that. That the Commission authorize the temporary use or language acceptable to the attorney and auditor. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(15)

#### ROAD DEPARTMENT BUSINESS

Road Department Administrative Assistant, Carol Ware discussed with the Commission the following two items.

A) Acceptance of the River Bottom Road Project - She noted that project was completed in 1992. They need to close the file and in so doing, the Commission needs to accept the project back into the County Class B roads. Motion to that effect was made by Commissioner Dixie Thompson, seconded by Commissioner Mark Justice and approved by all members present.

B) Utah Surplus Designated Representative - She noted that the Sheriff, Road Superintendent, Rex Funk and the Commission have been designated as representatives at the Utah Surplus outlet. Motion was made by Commissioner Mark Justice to ratify the designation of the Sheriff, Road Superintendent, Rex Funk and the Commission as County designated representatives in the procurement of surplus property. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

C) Access to Woodside Cemetery - Road Superintendent, Rex Funk reviewed the Woodside Cemetery fencing. This having been discussed in a previous Commission meeting. Mr. Funk indicated that he has met with Roy Poe at Woodside. He indicated the cemetery is accessible. The gate is at the station itself. Mr. Poe plans to have his facilities open in two months. The BLM has designated the County as the responsible party for that property. Mr. Poe has expressed a willingness to install a gate and fence, possibly out of rustic wood. Also discussed was possible Eagle projects for a gate and fencing. Mr. Funk did not see an obstacle in working with Mr. Poe. The Commission recommended that Mr. Funk contact the BLM and obtain approval to fence the area. Suggested was that consideration be given to a chain link fence.

(16)

APPRAISAL OF COUNTY-OWNED FACILITIES

The Commission was advised that all County owned public facilities have increased in value. Therefore, the Utah Association of Counties is requesting they be reappraised for insurance purposes.

Commission Chairman Kent Petersen indicated that Assessor, James Fauver has agreed to reappraise those as part of the reappraisal which is presently in progress. That will be completed prior to the requested deadline.

(17)

AUDITOR'S BUSINESS

Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #77044 through and including #77268 for payment.

Req. #	Description	Amount	Action
56	Phone & Accessories - Sheriff	360.00	Approved
57	Two Bodyguards and Two Screen Cages - Sheriff	1,080.00	Approved
58	Color Deskjet Printer and hardware upgrade - Assessor	2,501.25	Approved
59	PC Computer System - Justice Court	2,120.00	Approved
60	Computer System - Sheriff	3,047.00	Approved

Whereupon, motion was made by Commissioner Mark Justice to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(18)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Assessor's Office - Approval is requested to hire Kathy Reed as a full-

time career service Assessor I, Grade 4, Step A or \$7.21 per hour, effective December 7, 1994.

Motion to approve the hiring of Kathy Reed as presented was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

B) Landfill - Approval is requested to hire Brent Farrer as a full-time career service Landfill Operator, Grade 12, Step A or \$10.06 per hour, effective December 7, 1994.

Motion to approve the hiring of Brent Farrer as presented was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

C) Auditor - Approval is requested to begin the promotional process for a Deputy Auditor III by posting the position "in-house" for five working days per the personnel policy.

It was the consensus of the Commission that any consideration of this as well as other promotions or step increases be referred into next year for Commission consideration after January 1 when the new Commission and new elected officials have had an opportunity to consider these matters.

D) Library - Approval is requested to hire Jane Rasmussen as a temporary worker "up to 90 days" at \$4.25 per hour, effective January 10, 1995. The purpose for this request is that because of a medical leave, the Ferron Library will be shorthanded.

Motion was made by Commissioner Mark Justice to hire Jane Rasmussen, but at the rate of \$5.00 per hour, seconded by Commissioner Dixie Thompson and approved by all members present.

E) Treasurer - Approval is requested to hire Chris Bell as a temporary worker "up to 90 days" at \$6.00 per hour effective November 22, 1994. Chris will be working in the Motor Vehicle section of the department.

Motion was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

F) Planning & Zoning/Building Inspection/Emergency Management - Bryant Anderson has successfully completed two certifications: Residential Building Inspector and the Uniform Plumbing Code. Per the consensus of the Commission on September 1, 1994, ". . . in the future as each certificate is completed, that there would be a one-step increase for a total of four step increases." Approval is requested to give Bryant a two-step increase: from Grade 18, Step G, or \$14.71 per hour to Grade 18, Step 1 or \$15.29 per hour effective

retroactive to December 1, 1994.

Motion was made by Commissioner Dixie Thompson, seconded by Commissioner Mark Justice and approved by all members present.

(19)

#### ROAD DEPARTMENT BUSINESS

Road Superintendent Rex Funk informed the Commission that Don Morland of the Road Department has informed him that definitely he will be retiring January 1, 1995. At this time, the Commission informed Mr. Funk that they were not ready at this time to fill the vacancy left when Mr. Morland retires.

(20)

#### SWEARING IN OF NEWLY ELECTED OFFICIALS

The swearing in of the newly elected officials was set for Tuesday, January 3, 1995, at 12:00 noon. This includes all newly elected County officials and Justice Court Judges. This information having been provided by the Lt. Governor's office.

(21)

#### SETTING COMMISSION MEETING DATE FOR FINAL 1995 EMERY COUNTY BUDGET

Motion was made by Commissioner Dixie Thompson to set the date of December 21, 1994, at 9:00 a.m. for meeting of the Emery County Commission for approval of the 1995 Emery County General Revenue and Expenditure Budget. Auditor, Karen Truman will notice the meeting up with posting in-house by the Clerk's office.

(22)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 11:58 a.m. was made by Commissioner Mark Justice, seconded by Commissioner Dixie Thompson and approved by all members present.

ComMin12-15-94

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF EMERY COUNTY COMMISSIONERS



HELD IN THE EMERY COUNTY COURTHOUSE

December 15, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

The invocation was given by Commissioner Dixie Thompson.

(1)

PUBLIC HEARING - INCREASING 1994 CAPITAL CONSTRUCTION BUDGET  
FOR CASTLE VALLEY  
SPECIAL SERVICE DISTRICT

Castle Valley Special Service District Administrator, Darrel Leamaster presented copies of the proposed budget increases for the Construction budget for the Castle Valley Special Service District for 1994. He noted there were two reasons for increasing the budget. He noted that some 1993 construction projects were not completed by December 1993. Therefore, monies sufficient to complete those projects had to be carried over into 1994. The second one is that Castle Valley Special Service District entered into a joint construction project with Orangeville City. Wherein, it increased the size of the project and cost by approximately \$22,000. Therefore, the adopted budget for 1994 both in revenues and expenditures was at \$1,522,200. The proposed budget increase would be \$124,250 for a total of \$1,646,450.

Commission Chairman Kent Petersen inquired if there were any questions or comments from the public in attendance. There being none, he closed the public hearing at 6:07 p.m.

(2)

PUBLIC HEARING - 1995 CASTLE VALLEY SPECIAL SERVICE DISTRICT  
BUDGET

Castle Valley Special Service District Administrator, Darrel Leamaster presented to the Commission the proposed 1995 operating and maintenance budget with a proposed revenue and expenditure operation and maintenance budget of \$1,400,400. Capital projects fund budget with revenues and expenditures in the amount of revenues totaling \$2,068,790 and expenditures in the amount of \$2,051,000. Debt Service fund with revenues and expenditures of \$2,333,800. Mr. Leamaster informed the Commission that the Castle Valley Special Service District Administrative Board has reviewed and approved the budget. Therefore, it is the responsibility of the Emery County Commission to adopt the

budget. Wherein, the administrative control board cannot do any of the following three things: 1) levy taxes, 2) have the power to issue bonds and 3) the power to call an election. Therefore, from a public standpoint it is good to notice this up and present the budget to the Commission for final adoption. He noted there would be no tax increase this next year. The general fund levy is the same as 1994 as well as debt service for a combined total of .0028 assessment. He noted that any Utah Power and Light tax protest and payments required back if they were large enough could require later a judgment levy if the County and Castle Valley were to lose those tax protests. He also discussed a need for taxable bonds and general obligation bonds to be issued in approximately \$1 to \$1.2 million. Also discussed were possible costs in running a water line to the County landfill and industrial area and the possibility of funding.

Commission Chairman Kent Petersen inquired if there were any comments or questions in regards to this matter. There being none, he closed the public hearing at 6:21 p.m.

(3)

#### ADOPTION OF CASTLE VALLEY SPECIAL SERVICE DISTRICT 1995 BUDGET

Having held a public hearing in regards to this matter, motion was made by Commissioner Dixie Thompson to adopt and approve the 1995 Castle Valley revenue and expenditure budgets for the operation and maintenance, capital projects fund and debt service fund as presented. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(4)

#### INCREASING THE 1994 CASTLE VALLEY SPECIAL SERVICE DISTRICT BUDGET - RESOLUTION 12-15-94A

A public hearing having previously been held, motion was made by Commissioner Mark Justice to adopt and approve Resolution 12-15-94A. Wherein, it increases the Castle Valley Special Service District 1994 capital projects budget from \$1,522,200 to \$1,646,450. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(5)

#### RICHARD SNOWBALL - SUPPORT OF WEATHER STATIONS

Richard Snowball addressed the Commission in regards to support of the continuance of the weather stations in Emery County. He noted that they have support from the Green River and San Rafael Soil Conservation Districts, NRCS and Emery County Extension. All of which are involved in water conservation proposals. He noted that the State supports the weather stations. They have

received information that they are probably discontinuing a number of those. His request of the Commission is to solicit support in seeking State continuance of the weather stations. He noted that there are seven in Emery County. He read a letter addressed to the Utah State Climatologists.

After further discussion, motion was made by Commissioner Mark Justice to issue a letter of support by the Emery County Commission in the continuance of the weather stations. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(6)

ROGER BARTON - GREEN RIVER AND SAN RAFAEL SOIL CONSERVATION DISTRICTS REQUEST FOR FINANCIAL SUPPORT

Roger Barton of Ferron together with other representatives of both the Green River and San Rafael Soil Conservation Districts addressed the Commission and outlined the members of those boards and the goals with the number one priority being water. Discussed were possible means of funding, including Federal and State. Their request of the Commission would be approximately \$70,000 per year. This would allow the hiring of one or more persons to complete a water conservation master plan and to help seek planning for such a plan. \$10,000 of that would be used for on farm cost share projects such as search valves, sprinkler systems, gates and underground pipes.

It was the consensus of the Commission that they would take this request under advisement and give it consideration in their final budget meeting set prior to the adoption on December 21.

(7)

RECOGNITION OF OUTGOING ELECTED OFFICIALS

Commission Chairman Kent Petersen at this time recognized the following outgoing elected officials: Karen Truman who has served as County Auditor from 1983 through 1994; Ina Lee Magnuson as County Recorder from 1979 through 1994; Dixie Thompson who has served as County Commissioner from 1991 through 1994; and Mark Justice who has served as County Commissioner from 1991 through 1994. All received a placque and a gift of recognition. Appreciation was expressed to them for their diligent service to Emery County.

(8)

RAY JORGENSEN - REQUEST FOR AID IN PREDATOR CONTROL

Ray Jorgensen came before the Commission, noting that previously in December, January and February the County had help participate in helicopter costs in predator control. They had been given the sum of \$4,000 in past years and would appreciate a like amount for 1995. It was noted that they did not get

their request to the Commission at the budget time, but the Commission concurred that it is a worthy project and they would look at possible funding during the final budget meetings.

(9)

JEREMY JEX - CONTRIBUTION TO EAGLE PROJECT

Jeremy Jex came before the Commission outlining his Eagle project which would be to replace the Emery County pictures located in the State Capitol. He noted they are old and yellow. He needs approximately \$500 to complete the project. He noted that any money not used would be returned. It was noted that previously under the Castle Country Travel Council a letter had been sent to Mr. Jex that the project had been approved. This approval having been given before the Travel Council broke up.

Economic Development Director, Rosann Fillmore noted to the Commission they were uncertain as to who to contact at this time.

Commissioner Mark Justice concurred and asked that he be given a couple of days to follow up on this and he would see what could be done.

(10)

AUDITOR'S BUSINESS

Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #77318 through and including #77493 for payment.

The following requisitions were presented for Commission consideration:

Req.#	Description	Amount	Action
59	Computer & laser jet printer - Justice Court	2,651.00	Approved
61	Computer - Green River Ambulance	1,936.00	Approved
62	Two Ford Crown Victorias - Sheriff	29,950.00	Approved

Whereupon, motion was made by Commissioner Mark Justice to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

Commissioner Mark Justice was excused from the Commission meeting at 7:10 p.m.

to attend other matters.

(11)

APPROVAL OF LEASE AGREEMENT ON THE GREEN RIVER SIGN AND NAME  
CHANGE OF  
ECONOMIC DEVELOPMENT OFFICE

A) Green River Sign - Economic Development Director, Rosann Fillmore presented to the Commission for their consideration an agreement. Wherein, Emery County, for the sum of \$1,000 annually for five years would lease the back side of the Green River sign. Wherein, Emery County would construct a sign advertising Emery County. She further noted the County would be responsible for all utility and light costs. These also to be paid on an annual basis. She, therefore, asked for Commission approval.

Motion to approve that agreement was made by Commissioner Dixie Thompson, seconded by Commission Chairman Kent Petersen and approved by all members present.

B) Name Change - Economic Development Director, Rosann Fillmore asked for Commission consideration in changing the name of Emery County Economic Development to that of Business and Community Development. She discussed the reasons for that request.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the change of name to the Emery County Business and Community Development Office. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(12)

FOREST SERVICE ROAD AGREEMENT

Commission Chairman Kent Petersen noted that previously a public hearing had been held. The request of the Forest Service is that the County take over certain Forest Roads. Wherein, the County would receive State Class B road funding. This would amount to 68.92 miles of which 17.2 miles have already been in the County maintenance program.

Road Superintendent, Rex Funk; Commission Chairman Kent Petersen and Engineer Craig Johansen have reviewed the roads and gone over the list. They include Wild Cat Link Canyon, the road along the Muddy, Ferron Canyon, Cottonwood, Upper Joe's Valley Loop, the TV site and small additions.

Commission Chairman Kent Petersen indicated that the anticipated improved level, the agreement provided for approved barrow sites. Questions were

raised from the public as to whether this included winter maintenance. The Commission indicated that they did not foresee maintenance beyond what the present Forest Service does in regards to winter snow removal.

Whereupon, motion was made by Commissioner Dixie Thompson to approve the Forest Service Road agreement, indicating those roads to be maintained by the County. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(13)

APPROVAL TO PURCHASE A MOBILE HOME BY THE MUNICIPAL BUILDING  
AUTHORITY OF  
EMERY COUNTY - RESOLUTION 12-15-94B

County Attorney, David Blackwell informed the Commission that he has completed the negotiations with Mr. Don Owen on the purchase of a 1980 Fleetwood double wide mobile home located at the Huntington Airport. This would be leased back to Kevin Robison, the operator at the airport as part of his compensation. Therefore, presented to the Commission was a Resolution transferring funds from the Emery County General Fund to the municipal building authority of Emery County for the purchase of the mobile home at a cost of \$14,500.

Whereupon, motion was made by Commissioner Dixie Thompson to authorize the purchase of the mobile home and approve Resolution 12-15-94B which allows the transfer of funds from the Emery County General Fund to the Municipal Building Authority to purchase the same. Therefore, they directed the Emery County Auditor to transfer \$9,000 from the Emery County General Fund into the municipal building authority, noting that the difference in costs were funds received from the previous building purchase. Therefore, motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(14)

RECESS INTO MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY  
BUSINESS - RESOLUTION  
12-15-94C

Commission Chairman Kent Petersen at 7:38 p.m. recessed the regular Commission meeting to convene in a meeting of the Municipal Building Authority of Emery County. Whereupon, after convening of that board of trustees, Resolution 12-15-94C was presented. Wherein, said Resolution approves the purchase of the 1980 Fleetwood double wide mobile home by the Municipal Building Authority of Emery County. Therefore, be in resolved by the Trustees of the Municipal Building Authority of Emery County that approval of the purchase of the mobile home is granted by the municipal authority of Emery County from Don Owen for the purchase price of \$14,500 in connection with and in furtherance of Emery County's interest in the Huntington Airport. The transfer of such funds shall

be made by the Municipal Building Authority fund to Don Owen. Motion to pass this Resolution was made by Commissioner Dixie Thompson, seconded by Commission Chairman Kent Petersen and approved by all members present.

Commission Chairman Kent Petersen adjourned the meeting of the Municipal Building Authority of Emery County at 7:39 p.m. and reconvened the regular Commission meeting.

(15)

#### TAX ADJUSTMENTS

A) Milo and Eva Jensen - Treasurer, JoAnn Behling noted that Milo and Eva Jensen did not get their application in for a property tax adjustment. She noted it was late. However, she recommended that the Commission authorize upon the filing with the State of Utah for a refund, a tax adjustment based on last year's eligibility. This would amount to an adjustment of \$200. Whereupon, motion was made by Commissioner Dixie Thompson to approve the property tax adjustment based on Mr. & Mrs. Jensen filing a request for refund from the State. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

B) Don Petersen Property in Huntington - Deputy Assessor, Dixie Swasey requested of the Commission a tax adjustment on the Don Petersen property located in Huntington. She noted that Mr. Petersen did not receive a disclosure notice. Therefore, he did not attend the Board of Equalization. He has commercial properties in Huntington. They have been reappraised and would go on the 1995 tax roles at a lower value. Taxes would be lower, in the amount of \$282.41. She noted that Assessor, James Fauver is requesting that the county abate that amount of tax off the 1994 taxes. Whereupon, motion was made by Commissioner Dixie Thompson to abate the taxes in the amount of \$282.41 as requested by the Assessor's office. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(16)

#### HUNTINGTON AIRPORT CONTRACT

County Attorney, David Blackwell informed the Commission that he has now received all signatures on the Huntington Airport Contract and provided it to the Clerk for filing.

(17)

#### ROAD DEPARTMENT BUSINESS - HORSE CANYON ROAD

Road Superintendent, Rex Funk advised the Commission that the City of Los Angeles Department of Water and Power, who owns the deeds to the Horse Canyon road would like to deed those back to Emery County. His request of the

Commission is to authorize Johansen and Tuttle Engineering to survey the Road and provide a legal description and recommend any alternate route which the owners are also in agreement to deed. The estimated cost is approximately \$3,000.

Therefore, presented to the Commission was a project authorization, project #12511, it having been previously signed by Engineer Craig Johansen and Road Superintendent Rex Funk. Motion to approve the same was made by Commissioner Dixie Thompson, seconded by Commission Chairman Kent Petersen and approved by all members present.

(18)

#### APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

It was the consensus of the Commission to defer any action on the previous Commission meeting minutes until the meeting on December 21.

(19)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

A) Assessor - She requested approval to begin the recruitment process for a part-time position in the Assessor's Office, up to 20 hours with no benefits at a Grade 4, Step A or \$7.21 per hour. The recruitment process will run from January 3 to January 27, 1995.

B) Recorder - She requested approval to begin the recruitment for a part-time position in the Recorder's office, up to 20 hours with no benefits at a Grade 4, Step A or \$7.21 per hour. The recruitment process will run from December 20, 1994, to January 3, 1995.

Motion to approve the recruitment process for part-time deputy assessor and deputy recorder was made by Commissioner Dixie Thompson and seconded by Commission Chairman Kent Petersen. Motion was approved by all members present.

C) Road Department - She requested approval to hire L.D. Jensen as Operator I, Grade 7, Step A or \$8.16 per hour effective January 3, 1995.

Motion to approve the hiring of L.D. Jensen in the Road Department was made by Commissioner Dixie Thompson, seconded by Commission Chairman Kent Petersen and approved by all members present.

D) Auditor - She requested approval to post notification of the intent to



fill the position of Auditor III, Grade 9, Step C or \$9.27 per hour. This is a promotion which by policy "All Level III or higher will be posted 'in-house' for a t least five (5) working days prior to the department beginning the selection process".

Motion to approve the posting of the notification of intent to fill the position of Auditor III was made by Commissioner Dixie Thompson, seconded by Commission Chairman Kent Petersen and approved by all members present.

(20)

#### COMMISSION REPORTS

Commission Chairman Kent Petersen:

1. He discussed the ECO Challenge event. He recommended that the commission write a letter in support. Whereupon, after further discussion, motion was made by Commission Chairman Kent Petersen to support the ECO Challenge event to be held in portions of Emery County. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(21)

#### COMMISSION BUSINESS

Commission Secretary, Leslie Bolinder noted she had received an inquiry from a motor cycle group. The group was asking about a group permit. It was therefore, requested that this matter be referred to the Attorney's office as well as planning and zoning.

(22)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 8:02 p.m. was made by Commissioner Dixie Thompson, seconded by Commission Chairman Kent Petersen and approved by all members present.

ComMin12-21-94

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

December 21, 1994

Those present at the meeting were Commissioners Kent Petersen, Mark Justice and Dixie Thompson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

The invocation was given by Commissioner Mark Justice.

(1)

ELAINE HATCH RETIREMENT

Commission Chairman Kent Petersen recognized the service rendered by USU Extension Home Economist Elaine Hatch who has served the citizens of Emery County from 1966 to 1994. He also presented to her a plaque of recognition for her service to the citizens of Emery County.

(2)

MARK JUSTICE - SHERIFF'S DEPARTMENT

Sheriff, Lamar Guymon presented to outgoing Commissioner Mark Justice a plaque in recognition of the help and support he has rendered to the Sheriff's office and the jeep posse.

(3)

PUBLIC HEARING - AMENDING THE 1994 BUDGET

Commission Chairman Kent Petersen opened the public hearing at 9:07 a.m. to public comment in regards to amending the 1994 budgets for the Emery County General Fund, RSVP Fund, Transient Room Tax Fund, Economic Development Fund, Library Fund, Building Authority Fund, Capital Projects Fund and the Enterprise Fund. Auditor, Karen Truman reviewed the need to amend the 1994 budget. She noted that this was required because of short-falls in departments. She provided to those persons present the proposed changes as contained in Resolution 12-21-94A as well as the audit trail. Therefore, the Revenue and Expenditure budgets as proposed are as follows: 1994 General Fund - \$8,969,064; Class B Roads - \$1,466,291; Centennial Fund - \$11,202; E-911 Fund - \$12,310; Transient Room Tax - \$16,000; Economic Development - \$122,505; Economic Development/Planning & Zoning - \$145,014; Library - \$562,242; Building Authority - \$103,500; Capital Projects - \$782,500; Capital Replacement - \$25,000; and Enterprise Fund - \$11,000.

Commission Chairman Kent Petersen inquired if there were any comments in regards to the proposed amended 1994 budgets. There being none, he closed the

public hearing at 9:18 a.m.

(4)

AMENDING THE 1994 EMERY COUNTY REVENUE AND EXPENDITURE  
BUDGETS - RESOLUTION  
12-21-94A

A public hearing having been held, motion was made by Commissioner Dixie Thompson to approve Resolution 12-21-94A amending the 1994 Emery County Revenue and Expenditure Budgets as contained therein. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(5)

PUBLIC HEARING - 1995 EMERY COUNTY BUDGETS

Commission Chairman Kent Petersen opened the public hearing at 9:19 a.m. for public comment on the proposed 1995 budget for the Emery County General Fund, Centennial Fund, E-911 Fund, RSVP Fund, Transient Room Tax Fund, Economic Development Fund, Library Fund, Capital Projects Fund and Enterprise Fund.

Auditor, Karen Truman reported that this represents no tax revenue increase, it does reflect a salary increase of one-step for career service employees and 1.94% increase for all elected officials, appointed and contract employees. She prepared and presented to those present proposed Resolution 12-21-94B outlining the budgets. The general revenue and expenditure budgets contained therein are as follows: Emery County General Fund is \$8,496,876; Class B Road - \$1,466,291; Centennial Commission - \$10,000; E-911 - \$10,500; RSVP - \$61,026; Transient Room Tax - \$10,000; Economic Development - \$124,568; Library - \$587,703; Capital Projects - \$959,200; and Enterprise Fund - \$15,000.

It was the recommendation of Commissioner Mark Justice that the proposed budget be amended in regards to the Transient Room Tax budget, which shows an anticipated revenue and expenditures of \$10,000 be increased to \$25,000 to reflect anticipated revenues to Emery County from the break up of the Castle Country Travel Council.

Commission Chairman Kent Petersen inquired if there were any other public comments. There being none, closed the public hearing at 9:31 a.m.

(6)

APPROVAL OF 1995 EMERY COUNTY BUDGETS - RESOLUTION 12-21-94B

A public hearing having been held, motion was made by Commissioner Mark Justice to approve Resolution 12-21-94B after amending the Transient Room Tax

Revenue and Expenditure Budgets to that of \$25,000. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(7)

#### APPROVAL OF COURT HOUSE MAINTENANCE CONTRACT

The Commission reviewed the building maintenance service agreement between Emery County and Dennis Fuller, Jr. Under the agreements, Mr. Fuller is to provide cleaning and maintenance on the Emery County Courthouse, the Emery County Sheriff's office and Detention Center. It was noted that this has been reviewed with Dennis Fuller, Jr. It does represent an increase of approximately 10% to that of \$3,718 per month. It is a five-year agreement with automatic renewal with duties as outlined in the attached schedule A of the agreement.

Whereupon, motion was made by Commissioner Mark Justice to approve the Building Maintenance Service Agreement as presented. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(8)

#### EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT PROJECT

Commissioner Mark Justice, as a representative of the Emery County Recreation Special Service District, invited the new Commissioners to meet with the District to review the present and future projects of the District.

(9)

#### BOARD MEMBER APPOINTMENTS

A) Castle Valley Special Service District - Motion was made by Commissioner Mark Justice, upon the recommendation of the Administrative Board of the Castle Valley Special Service District to reappoint Dorr Hansen for another four-year term. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

B) Emery County Special Service District No. 1 - Board Chairman Merrill Swasey, by letter, informed the Commission that the terms of Bevan Wilson, Dean King and Mervin Duncan expire the end of December 1994. It was their recommendation that these individuals be reappointed for another term. Whereupon, motion was made by Commissioner Mark Justice to reappoint Bevan Wilson, Dean King and Mervin Duncan to the Emery County Special Service District No. 1 board. Commissioner Dixie Thompson, in seconding the motion, asked that the Commission recognize the efforts of the Board and a special thanks to them as well as all other persons serving on Boards throughout the County. Motion was approved by all members present.

(10)

#### CITIZENS CONCERNS

Commissioner Dixie Thompson briefly reviewed the news release in regards to the State Tax Commission anticipated tax reductions on centrally assessed properties. She noted this shifts an unfair burden onto the private citizens.

Assessor, James Fauver noted that recently the County lost the appeal on Pacificorp.

(11)

#### COMMISSION MINUTES

The minutes of the November 2, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

The minutes of the November 14, 1994, Special Meeting of the Board of Emery County Canvassers were reviewed. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the minutes as presented. Motion was approved by all members present.

The minutes of the November 16, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson to approve the minutes as corrected. Motion was seconded by Commissioner Mark Justice and approved by all members present.

The minutes of the November 16, 1994, Special Meeting of the Canvass of the Castle Valley special Service District Bond Election were reviewed. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the minutes as presented. Motion was approved by all members present.

The minutes of the November 16, 1994, Public Hearing on the Maintenance and Transfer of Forest Service Road to Emery County were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the December 7, 1994, Commission meeting were reviewed and corrected. Motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the minutes as corrected. Motion was approved by all members present.

(12)

#### BID OPENING - GREEN RIVER SIGN

Four bids were received for construction of the steel frame, painting and mounting of sign and well as installation of lights. Bids received were as follows: Michael Mathie Construction of Huntington in the amount of \$7,300; Salt Creek Signs of Nephi in the amount of \$7,860; B. Hansen Construction of Price in the amount of \$8,400; and Bona Signs of Springville in the amount of \$3,577.42.

Whereupon, motion was made by Commissioner Mark Justice to recognize Bona Signs as the apparent low bidder and authorize Economic Development Director, Rosann Fillmore and the Economic Development Council Chairman to review the bids and make sure that the bid includes all items. Of question was the installation of the vinyl sign. Also, authorize them to award the bid after final review. Motion was seconded by Commissioner Dixie Thompson and approved by all members present.

(13)

CONSIDERATION OF A RESOLUTION TO CLARIFY EMERY COUNTY  
RECREATION SPECIAL  
SERVICE DISTRICT'S LOAN GUARANTEE

County Attorney, David Blackwell indicated that in order to guarantee payment of the loan portion from the Community Impact Board that clarification of the District is required in order to purchase a bond in the amount of \$120,000 from Zion's Bank. Mr. Blackwell further read the proposed Resolution in its entirety.

Commission Chairman Kent Petersen and Commissioners-elect Bevan Wilson and Randy Johnson questioned the practicality in proceeding with bonds, in that Emery County has set up a \$200,000 trust fund to cover repayment of those loan funds. Whereas, the State Park has agreed to take over the payments and anticipate going before the legislature and possibly obtaining the full \$200,000 loan amount.

However, Commissioner Mark Justice noted that bonds should be done by the County rather than in the name of the Recreation District.

Treasurer, JoAnn Behling indicated she has some real concerns in that this might be best reviewed by the Money Management Council.

Commissioner-elect Bevan Wilson recommended that this item be researched further. He did indicate strong support for the project, but felt the County should not incur unnecessary expense.

Mr. Blackwell asked to be included in any future discussions. It was further

pointed out that construction costs incurred to this point have been paid, however, Commissioner Mark Justice pointed out that the effort is to complete the bond issue in order to continue construction of the project in the Spring. If the new Commission was so desirous, an alternative would be not to do anything in this matter until after the legislature meets and the State parks get their money, which would be approximately the first of July. This would delay final opening and completion date.

Therefore, after further discussion, it was the consensus of those present that the new Commission meet together with members of the Recreation District, the County financial people and the Community Impact Board to review further the options. The Commission directed County Attorney, David Blackwell to set up said meetings.

(14)

#### AUDITOR'S BUSINESS

Auditor, Karen Truman presented to the Commission for their consideration Warrant/Check Edit List #77646 through and including #77663 for payment.

Motion was made by Commissioner Dixie Thompson to approve the warrants for payment. Motion was seconded by Commissioner Mark Justice and approved by all members present.

(15)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items:

A) Assessor's Office - Per previous approval by the Commission to conduct a job description review, she presents the following for Commission consideration:

1)Senior Appraiser - Upon review of the position which is currently an Appraiser III, Grade 12, it has been observed that the duties have changed significantly enough to warrant a rewrite of the current job description. It is recommended that this position be called a Senior Appraiser, Grade 14. The incumbent employee, Carol Riddle, would be raised from a Grade 12, Step B or \$10.29 per hour to a Grade 14, Step A or \$10.95 per hour or an increase of .66 cents per hour.

2)Office Manager - Upon review of the position which is currently an Assessor III, Grade 9, it has been observed that the duties have changed significantly enough to warrant a rewrite of the current job description. It is recommended that this position be called Office Manager, Grade 12. The incumbent employee, Janet Petersen, would be raised from a Grade 9,

Step D or \$9.47 per hour to a Grade 12, Step A or \$10.06 per hour, an increase of .59 centers per hour.

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the rewrite of the current job descriptions for the Assessor's office as presented. Motion was approved by all members present.

B) Auditor - Notification of an intended promotion has been posted as prescribed in the personnel policy. It is recommended that Terry Williams, Deputy Auditor II, Grade 6, Step F or \$8.70 per hour be given a promotion to Deputy Auditor III, Grade 9, Step C or \$9.27 per hour, an increase of .57 cents per hour.

Whereupon, motion was made by Commissioner Dixie Thompson and seconded by Commissioner Mark Justice to approve the promotion of Terry Williams as presented. Motion was approved by all members present.

C) Road - Jerry Cline has been on leave after an accident he experienced this fall. As of the first of the year, Jerry will have 67 hours of vacation over the allowed 80 hours. Because he has been off because of illness and has been unable to take vacation, request is made of the Commission to consider letting Jerry maintain those hours until he is well enough to use the vacation which is anticipated to be during the first part of the year.

Whereupon, motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the vacation carry over for Jerry Cline in the Road department as requested. Motion was approved by all members present.

D) Road - Morris Sorensen has been invited back to China. He will leave on January 3 and will stay for approximately two weeks. He will be compensated by the Chinese government. He will use his vacation and when he receives compensation he will give that to the County to "buy" back his vacation.

The Commission concurred in this action with no official motion.

E) Emery County Travel Board - Request is made to hire Warne Linton as the Executive Director of the Emery County Travel Board, effective January 3, 1995, at a rate of \$500 per month.

Motion was made by Commissioner Mark Justice and seconded by Commissioner Dixie Thompson to approve the hiring of Warne Linton as the Executive Director of the Emery County Travel Board. Motion was approved by all members present.

County Assessor and Chamber of Commerce President, James Fauver requested



Commission consideration in the County, the Chamber and the Travel Board sharing an administrator. He indicated many times they are duplicating services.

However, Commissioner Mark Justice pointed out that the Emery County Travel Council Board Executive Director's purpose is to promote tourism and uses only Transient Room Tax revenues. It is different from the objectives of the Chamber, although tourism is part of the Chamber. He recommended that the Travel Board be an independent group.

F) Quilt Donation - As part of the Emery County Employee's Summer Party, two children's quilts were tied which will be given to Project Emery Clause for Christmas in the name of Emery County Employees.

Mrs. Snowball expressed appreciation to Bryant and Mrs. Anderson for obtaining the materials and putting the quilts together in preparation for tieing. She also thanked the employees for helping to tie the quilts.

(16)

#### COMMISSION REPORTS

Commissioner Dixie Thompson:

1. She reported she is working with Ted Stuart in regards to the Wilderness Planning Project.
2. The State is watching the Project 2000, recognizing it as a win-win situation for all. They are waiting for Emery County in that matter.

Commission Chairman Kent Petersen:

1. He reviewed the progress of the Public Lands Committee meetings.
2. He expressed appreciation in working with outgoing Commissioners Mark Justice and Dixie Thompson. He recognized their efforts on behalf of the citizens of Emery County.
3. He expressed appreciation to outgoing Auditor, Karen Truman and outgoing Recorder, Ina Lee Magnuson.

(17)

#### MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 11:28 a.m.

ComMin1-4-95  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 4, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commissioner Kent Petersen at 9:00 a.m.

(1)  
APPOINTMENT OF COMMISSION CHAIRMAN

Motion was made by Commissioner Randy Johnson to appoint Commissioner Kent Petersen as Chairman of the Board of County Commissioners for the year 1995. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)  
1995 COMMISSION RESPONSIBILITIES

The Commission presented to those present the following Commission responsibilities for the year 1995:

Bevan Wilson	Kent Petersen	Randy Johnson
Airport	Assoc. of Gov.	Animal Control
Assessor	Auditor	Ambulance
Attorney	Canyon Co. Partner.	Chamber of Commerce
BLM	Courthouse	Civil Defense
COG	Data Processing	Clerk
Extension	DWR	Fair
GR Co. Complex		Econ. Develop. Fire Control
GR Medical Center		Housing Authority Fire District
JTPA	Human Service	Justice Court
Landfill, Mgr.	Landfill	Library
Planning/Zoning	Museum/History	Mental & Public Health
Recorder	Nursing Home	Personnel
RSVP	Recreation/Rec.Dist.	Sheriff



together with Bond Council Kent Minchey discussed with the Commission the need to issue and sale a Tax and Revenue Anticipation Note in the amount of \$1,000,000. They noted that these funds are required in order to continue the operation of the District and are needed in February 1995. It was pointed out that these are a taxable issue.

Mr. Minchey reviewed the documentation and the Resolution with the Commission. It was their recommendation that Commission give it consideration and adoption.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the authorization and issuance and sale of Castle Valley Special Service District Tax and Revenue Anticipation Notes, Series 1995A in the aggregate principal amount of \$1,000,000 and adopt Resolution 1-4-95B as discussed. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

#### PACIFICORP - 1992 TAX APPEAL

Assessor, James Fauver reviewed with the Commission the results of the 1992 Pacificorp tax appeal in which the Tax Commission has now ruled. Wherein, they have reduced the value of Pacificorp by some \$64,000,000. That from \$1,261,256,750 to \$1,197,779,150. This would mean a loss in taxes of approximately \$1,089,000. This would equate to on a \$45,000 home to \$32. He noted that Pacificorp makes up 94% of the local values with locally assessed property being 6%. His recommendation was to appeal this to the Courts in an effort to recognize our reports which reflect a higher value which the Tax Commission did not previously allow. He noted that Attorney Bill Peters recommended that this be appealed to the Supreme Court.

Commissioner Bevan Wilson recommended a meeting with all local taxing entities together with Mr. Bill Peters and Eckhardt Prawitt. Castle Valley Special Service District Administrator, Darrel Leamaster emphasized that his Board strongly recommended that the County proceed in the appeal process and that they do support it and that the School District would also need to be looked at for support.

Commissioner Wilson inquired if there was any upcoming legislation to better our position.

Commission Chairman Kent Petersen noted the need for news articles to inform local and state people of the impact of such a decision by the Tax Commission.

Therefore, a meeting was set up for January 5, 1995, at 9:00 a.m. with Mr. Peters and Mr. Prawitt, the Commission, representatives of the Castle Valley Special Service District, the School District, other elected officials and

interested agencies.

(7)

#### EMERY COUNTY PUBLIC LAND COUNCIL MEMBERS

Tracy Jeffs discussed previous meetings held in regards to public lands as part of the County Comprehensive Planning, Project 2000 and Bear West. His purpose in coming before the Commission at this time was to create an Emery County Public Land Council and establish membership thereon. They request future consideration by the Commission for funding of the Council. The areas of interest of the Council would be in regards to water, natural resources, grazing, wildlife, recreation, elected officials, environmental, planning & zoning and members at large.

It was his recommendation to the Commission that the following members be appointed: himself, Bryant Anderson, Eugene Johansen, Craig Johansen, Commissioner Petersen, Commissioner Wilson, Commissioner Johnson, Dennis Worwood, County Attorney and Wes Curtis. Those who will serve as resource persons would be Bill Howell and Scott Truman. He recommended that the

Commission approve these with further consideration later for any additional names to be added to the council.

Whereupon, motion was made by Commissioner Randy Johnson to approve the list of recommended members as presented and formalize the Emery County Public Lands Council. Also included in his motion upon the recommendation of Commissioner Bevan Wilson was to appoint Tracy Jeffs as the Chairperson. Motion was seconded Commissioner Bevan Wilson and approved by all members present.

(8)

#### DISCUSSION AND APPOINTMENT TO RECREATION SPECIAL SERVICE DISTRICT

It was the consensus of the Commission to table this matter pending more information.

(9)

#### AUDITOR'S BUSINESS

Auditor, Ross Huntington informed the Commission that in preparation for closing out the year 1994 that a Warrant/Check Edit list has not been prepared for Commission consideration at this time. However, he presented the following requisitions for Commission consideration:

Req. #	Description	Amount	Action
--------	-------------	--------	--------

63 (94) Purchase of 1972 Caterpillar  
D6C from Class B Road  
for use at Landfill and  
purchase of 1982 John  
Deere Model 844 Loader  
for use at Landfill -  
Landfill                    27,000.00     Approved

1 (95) GIS Plotter, Hard drive,  
tape back-up, and scanner -  
Data Processing            11,700.00     Approved

Whereupon, motion was made by Commissioner Bevan Wilson to approve the requisitions as presented and to approve the final Warrant Check Edit List when submitted and signed by the Commission. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)  
COMMISSION MINUTES

It was the consensus of the Commission to defer any consideration of the minutes of December 15 and December 21 until the next Commission meeting to allow sufficient time for review.

(11)  
PERSONNEL ITEMS

A) \$50,000 Line of Duty Insurance - Personnel Director, Pat Snowball informed the Commission that previously the Commission had approved a \$50,000 line of duty insurance for those P.O.S.T. certified peace officers. This was to be provided through the Utah State Retirement System. This would be at a cost of \$2.49 per month per employee or \$29 per year as an additional benefit to these employees.

Whereupon, motion was made by Commissioner Randy Johnson to approve the \$50,000 line of duty insurance as discussed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

B) Library - Mrs. Snowball informed the Commission that Library Administrator Jerilyn Mathis has budget in her budget monies to make Loyette Myerhoff a full-time librarian at the Elmo Library. It was her recommendation that this be done and Mrs. Myerhoff receive full benefits.

Whereupon, motion was made by Commissioner Randy Johnson to approve the

request, making Loyette Myerhoff a full-time librarian with benefits. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

C) Paper Shredder - Mrs. Snowball, who is also involved in the risk management team, noted in a previous meeting they had discussed the safety of the paper shredder which is missing the shield. She discussed the hazards of operating the machine in its present condition.

The Commission asked for pricing on a new machine. It was also agreed upon that consideration needed to be given in just replacing the shield.

(12)

#### COMMISSION REPORTS

Commission Chairman Kent Petersen:

1. He discussed the request from Helper Municipal Corporation. Wherein, they are asking for Commission support in an overpass at Helper. Commissioner Bevan Wilson indicated that UDOT has been encouraged to hold a couple of their visits in Carbon and Emery Counties. He recommended that the County support them in this request.
2. He also discussed a free use permit for a granular barrow on the lower San Rafael. The Commission signed the same.
3. He informed those present that the State Tax Commission office will be transferred from the Treasurer's office to the Assessor's office. This is because of recent changes in the law.

(13)

#### MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 10:17 a.m.

ComMin1-18-95  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

January 18, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

(1)

#### CHARLIE JANKIEWICZ - FOREST SERVICE - STUART GUARD STATION

District Forest Ranger, Charlie Jankiewicz began by informing the Commission that it appears to be a good water year. He noted the Snotel measurements on the forest range indicate from 110% to 120% of normal at this particular time of year.

Mr. Jankiewicz indicated his purpose in being before the Commission at this time was to secure necessary support and funding for the Stuart Guard Station visitor information center. This having been previously discussed in the Commission meeting of December 7, 1994. Therefore, he again reviewed the purpose and benefit of the program. He indicated that application is being made for enhancement dollars through the Utah Department of Transportation. Deadline for application is February 3, 1995. They are seeking a three-year commitment from Emery County in the total amount of \$29,071. The anticipated project cost is approximately \$173,000. He indicated that he would work with the County in order to procure other funding sources in order to offset the County portion. The possible funding sources would be private industry, Centennial Commission and other Counties such as Sanpete and Carbon which would also benefit from the project.

Commissioner Randy Johnson pointed out that in reviewing the project it is money well spent. He also discussed that by approving the agreement, the facility would be functional in the summer of 1996, with completion of the project in an anticipated three years.

Whereupon, motion was made by Commissioner Randy Johnson to guarantee the match monies as requested from the County and that the County make all possible effort to seek outside funding to help offset that expenditure. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

#### LIBRARY BOARD MEMBERS

Jerilyn Mathis informed the Commission that she has two vacancies on the Emery County Library Board. One from the Green River area and one from the North end of the County. Presented were the names of Misty Bastian to serve from the Green River area and Charlene Oviatt to represent the North end of the



County.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to appoint Misty Bastian to the Emery County Library Board for a period of two years and Charlene Oviatt to the Library Board for a period of one year. Motion was approved by all members present.

(3)

CASTLE VALLEY SPECIAL SERVICE DISTRICT - RESOLUTION 1-18-95A -  
INCREASING THE  
NUMBER OF BOARD MEMBERS

Castle Valley Special Service District Administrator, Darrel Leamaster came before the Commission and presented to them for their consideration Resolution 1-18-95A. Wherein said Resolution changes the number of Board members from 10 to 11. This being required in that last year Clawson Town was annexed into the District. Therefore, this would allow a representative to be appointed to represent Clawson. He also pointed out that the Board was set up in 1976 with a Board membership of one from each community serviced by Castle Valley and three members at large appointed by the Commission. These are four-year terms except those appointed by the communities which coincide with their terms of office. Also pointed out in the Resolution was that in future annexations of communities into the Castle Valley Special Service District, it provides for automatically increasing the number of Board members to accommodate new communities.

Whereupon, motion was made by Commissioner Bevan Wilson to approve Resolution 1-18-95A as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

CITIZEN CONCERNS

Sheriff, Lamar Guymon, representing citizens employed at the Sheriff's department have requested that the Sally Port be designated as a Smoking area. The Commission therefore referred this item to the Attorney's office for further review.

(5)

ROAD DEPARTMENT BUSINESS

A) Fencing at Woodside Cemetery - Road Superintendent, Rex Funk reviewed the previously discussed fencing project at the Woodside Cemetery. He inquired of the Commission if they were desirous to extend this into other cemeteries

located within the County. Mr. Funk indicated he has met with the BLM on the Woodside cemetery and a special permit would be required from the BLM as well as right of ways. He further noted that Mr. Poe who resides there has removed the frontage fence. Mervin Miles questioned the need for a permit in that there is access to the State Road material site located adjacent to the cemetery.

Sheriff, Lamar Guymon inquired as to ownership of the old highway. Mr. Funk indicated ownership was part the State, part County and Mr. Poe.

In addition to Woodside, other cemeteries were discussed such as Victor, Mounds, Wilsonville and the Muddy area. Mr. Funk discussed efforts made at the Molen cemetery by the County.

Members of the Historical Society were also present and asked to participate. They indicated that they do support such a project, but they do not want future responsibility such as future burials and maintenance costs.

It was the recommendation of Commissioner Randy Johnson that the County look at Woodside recognizing its historical value. Determination needed to be made on the right of ways and consideration of other cemeteries be done on an individual basis addressing historical and right of way concerns.

It was the consensus of the Commission that there is a definite need to fence the cemeteries. However, they too expressed concern over the continued future obligations and whether the County wanted to be in the cemetery business. Therefore, it was the Commission's request that this be turned over to the historical society for a recommendation. They will meet on February 1, 1995, at 5:00 p.m. Road Superintendent, Rex Funk, Mr. & Mrs. Mervin Miles and members of the historical society are to meet and evaluate and make a recommendation on the project.

B) Sale of a Dozer - Road Superintendent, Rex Funk indicated that they have a need to dispose of a HD-21 Dozer. He indicated that disposition he thought had previously been approved. The equipment is now not operating. It has a value of approximately \$4,000. If it was operating properly the value would be approximately \$6,000. He estimated the anticipated cost to repair it would be \$8,000 to \$10,000. There are two interested parties. One is Tri-City Tractor out of California and the other party being local. His request of the Commission was to authorize the disposition in that advertising and sealed bids be received with a minimum \$4,000 bid amount in accordance with the Emery County procurement and disposition policy.

Whereupon, motion was made by Commissioner Bevan Wilson to advertise and dispose of the Dozer by sealed bids, establishing the minimum bid amount of \$4,000. These bids to be opened at the February 1, 1995, Commission meeting.

Motion was seconded by Commissioner Randy Johnson and approved by all members present.

C) 1995 Road Projects - Road Superintendent, Rex Funk provided a list of 1995 County Road projects.

- 1 - Orangeville Mill Dam Bridge. The engineers estimate is \$200,000.
- 2 - Realignment on the Orangeville Mill Dam road. The engineers estimate is \$80,000.
- 3 - Engineering design begin on the Goblin Valley Road Project. No costs were indicated for that design work.
- 4 - Buck Horn Wash Pictograph Road project. The engineers estimate is \$70,000.

Whereupon, motion was made by Commissioner Bevan Wilson to proceed and authorize the County Road projects as submitted and that Commission Chairman Kent Petersen be authorized to sign any additional documents in order to expedite the projects. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

#### TAHOMA COMPANY - LANDFILL PERMIT APPLICATION AND PUBLIC EDUCATION PROGRAMS

Corey Player of Tahoma Company came before the Commission and briefly gave them an update in regards to meetings held earlier this day with the Commission. She indicated that they are working on the permit application as well as exemptions from certain types of monitoring. She basically explained the program of recycling in that Emery Recycling cannot handle glass, paper and plastic. However, the Grand County facility can. Therefore, possibly metals would be shipped from Grand County to Emery Recycling. In exchange, they would take back the glass, paper and plastic. She would like to see an education program for the public, encouraging them to recycle.

Whereupon, motion was made by Commissioner Randy Johnson that Tahoma Company proceed with the permitting application and to set up a recycling education program. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

DISPOSITION OF COUNTY-OWNED PROPERTY - PROPERTY SERIAL NO. X4-45-7 - ACCOUNT NO. 52939

County Attorney, David Blackwell indicated that Mr. Ted Curtis of Orangeville has inquired as to obtaining ownership to .55 acres of County land adjacent to his. Assessor, James Fauver has set a value of \$250 because it is land locked and is not accessible except across Mr. Curtis' property and one other property owned by William and Blanche Smith. Mr. Blackwell noted that the property is of value only to these two parties. He further discussed that in the Ordinance, it required advertising and notification to adjacent property owners. However, according to the State Code, a minimum value needs to be established before it is required that the County has to advertise. He noted that many times those advertising costs exceed the value of the property. This property was acquired many years ago through a tax sale.

Whereupon, Commission Chairman Kent Petersen recommended that Mr. Blackwell review the current disposition policy and make a recommendation that would more easily facilitate disposing of properties which are of minimal value.

(8)

TREASURER'S BUSINESS - TAX ADJUSTMENTS

A) Eva Jensen - Treasurer, JoAnn Behling came before the Commission in regards to the Eva Jensen property tax. These having been previously discussed in the December 15, 1994, Commission meeting. Wherein, Ms. Jensen was requested to pay the taxes and then apply for a rebate. It was noted that she was unable to do that. Mrs. Behling further indicated that she qualifies for \$200 in Circuit Breaker and that she has paid the balance.

Therefore, it was the consensus of the Commission and motion of Commissioner Bevan Wilson to approve the tax abatement as requested in the amount of \$200. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

B) Tillie Winder - Treasurer, JoAnn Behling informed the Commission that Tillie Winder of Huntington who has applied for Circuit Breaker in the past and qualified for \$475 last year did not realize that application again needed to be made this year for Circuit Breaker. Her taxes are in the amount of \$226.94 this year and she would qualify for a Circuit Breaker adjustment in the full amount.

Whereupon, after further review, motion was made by Commissioner Randy Johnson to approve the property tax adjustment in the amount of \$226.94 at this time. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

It was the consensus of the Commission that in light of the number of requests for adjustments after the circuit breaker deadline, the Auditor and Treasurer offices together with others involved in working with the senior citizens review their efforts in making those people who qualify for Circuit Breaker aware of the program and the deadline.

(9)

#### EMERY COUNTY RECREATION DISTRICT BOARD APPOINTMENT

Commission Chairman Kent Petersen noted that the Recreation Board has one Commissioner appointed to that Board. Previously that was held by Commissioner Mark Justice. Therefore, there is a need for the Commission to fill a vacancy at this time.

Whereupon, motion was made by Commissioner Randy Johnson to appoint Commission Chairman Kent Petersen to serve as the Emery County Commission member on that Board. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

#### RESOLUTION 1-18-95B - AUTHORIZING PAYMENT FROM THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT FUND TO EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT

Commission Chairman Kent Petersen reviewed the Emery County Recreation Special Service District funding from the Community Impact Board. Wherein, \$200,000 was in a loan. The previous Commission had placed \$200,000 trust fund as a guarantee for payment. However, the CIB found this unacceptable. Therefore, they have requested a defeasance escrow fund to guarantee payment to the CIB loan. This being acquired from Zions First National Bank at a cost of \$123,000. The District does not have sufficient monies to provide the defeasance escrow fund.

Therefore, this Resolution authorizes the Emery County Auditor to pay the costs for the defeasance escrow fund at an anticipated cost of \$123,000 and not to exceed \$130,000 to the Emery County Recreation Special Service District for that purpose and authorizes the Auditor to close the \$200,000 expendable trust fund created by Resolution 10-5-94B and return and balance remaining therein to the Emery County General Fund. It also requires that the Emery County and Recreation District enter into a memorandum of understanding. Wherein, the District agrees to use its best efforts to obtain funds from the State of Utah, the Community Impact Board and other sources to repay Emery County the amount used to fund the defeasance escrow fund.

Whereupon, motion was made by Commissioner Randy Johnson to adopt Resolution 1-18-95B as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

#### GREEN RIVER TELEVISION TRANSMISSION

Commission Chairman Kent Petersen informed those present that Green River has requested that the County take over the Green River television retransmission site. Commissioner Randy Johnson noted that he has met with Sheriff, Lamar Guymon and Communications Technician Bret Mills. He noted this would require additional expenditure and personnel to do that. Funds would have to be drawn out of the Capital Projects. Also needing to be considered was whether to complete those upgrades on Horn Mountain, Ferron Canyon and Huntington Canyon in addition to Green River.

Sheriff, Lamar Guymon pointed out that there is a continuing upgrading required at the sites. His budget request was for \$90,000 this year. That was cut to \$10,000. That would allow for replacement of only one translator and leave nothing to do Green River and the other sites.

Therefore, it was the recommendation of Commission Chairman Kent Petersen that the County visit the Capital Projects budget after proper public notification and that these projects be given further consideration after receiving public input.

Whereupon, motion was made by Commissioner Randy Johnson to set a public hearing for public input on the capital projects budget after proper advertisement has been made in the paper. (Those present at the meeting were uncertain as to the time needed to advertise the public hearing.) Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

#### AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #78218 through and including #78376 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Description	Amount	Action
2	Magellan Trailblazer - Sheriff	778.00	Approved

3 Cellular Phone - Commission 465.00 Approved

4 Receiver & antenna - Drug  
Enforcement 1,020.00 Approved

5 GBC Shredmaster - Courthouse 2,029.00 Approved

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the warrants for payment and the requisitions for purchase. Motion was approved by all members present.

The following items were presented to the Commission for disposition:

- Xerox copy machine, fixed asset #5133. This is to be transferred from the Recorder's office to the Treasurer's office.
- 1969 Fair Allis Chalmers HD21 Dozer, fixed asset #4867. This is to be sold.
- Litton Microwave Oven, fixed asset #3409. This is to be donated to the Clothing Exchange and Food Bank in Castle Dale.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to dispose of the three items as presented. Motion was approved by all members present.

(13)

#### COMMISSION MINUTES

The minutes of the December 15, 1994, Commission meeting were reviewed. Motion was made by Commissioner Randy Johnson to approve the minutes as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The minutes of the December 21, 1994, Commission meeting were reviewed. Motion was made by Commissioner Randy Johnson to approve the minutes as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The minutes of the January 4, 1995, Commission meeting were reviewed. Motion was made by Commissioner Randy Johnson to approve the minutes as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Recorder - Request is made to hire Dawnette Tuttle as Recorder I, Grade 4, Step A at \$7.21 per hour in a part-time capacity of less than 20 hours per week with no benefits. Effective date is January 18, 1995.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the hiring of Dawnette Tuttle as presented. Motion was approved by all members present.

B) Road - Request is made to move Randall Stilson from an Operator II, Grade 10, Step N at \$11.94 per hour to Landfill Operator/Technician at a Grade 13, Step J at \$12.09 per hour. Effective date is January 16, 1995.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the personnel action for Randall Stilson as presented. Motion was approved by all members present.

C) Auditor - The recruitment process has begun for a part-time (less than 20 hours per week) Auditor I. Advertising began January 17 and will end January 27. This position will be a Grade 4, Step A at \$7.21 per hour.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to begin the recruitment process for a part-time Deputy Auditor as requested. Motion was approved by all members present.

D) Twelve-Week Family Leave Policy - The Commission having been previously requested to clarify the use of sick leave and vacation days in conjunction with the twelve-week family leave noted that the Personnel Ordinance as it relates to this matter is very clear in that sick leave and vacation is used first in the family leave policy followed by time off.

(15)

#### COMMISSION REPORTS

Commissioner Randy Johnson:

1. Public Hearing-Wilderness Issue - He informed those present that the Commission has had discussions regarding the wilderness proposals coming before congress. The Utah Congressional delegate would like to know where the County stands on the issues. It was his



recommendation that a public hearing be set for February 1, 1995, to discuss wilderness issues.

Whereupon, motion was made by Commissioner Randy Johnson to call a public hearing on February 1, 1995, to receive public input on the wilderness issue. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

He indicated that they would be responsible for notice in the paper as well as news articles to the public.

Commissioner Bevan Wilson noted the importance of the wilderness issue and the need to solicit public comment.

(16)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 8:20 p.m. was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

ComMin2-1-95  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE  
February 1, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

(1)

#### PUBLIC HEARING - TARGETED ALLOCATION FUNDS - STUDY OF FOSSIL RESIN INDUSTRY IN EMERY COUNTY

Commission Chairman Kent Petersen opened the meeting at 9:00 a.m. to receive public input on the proposed study of the Fossil Resin Industry in Emery County. He then turned the time over to Economic Development Director, Rosann Fillmore.

Economic Development Director, Rosann Fillmore reviewed a proposal from the University of Utah desiring to study the economic potential for a fossil resin industry in Carbon, Emery and Sevier counties. The summary pointed out that much of the bituminous coal from the Wasatch Plateau Coal Field is worth more for its fossil resin content than for its fuel value. Estimating approximately 200,000,000 pounds of fossil fuel resins which could be recovered each year with an anticipated revenue stream of approximately \$1,000,000 annually as a chemical commodity. At the present time the valuable resin resource is being burned in power plants and alternative uses for this fossil resin resource should be evaluated. The development of the fossil resin industry would provide a significant economic benefit. It was pointed out that Emery County would be the lead participant in the project with co-sponsorship by Carbon and Sevier counties as well as inclusion of the new Extension Service Agent. Involvement would be a great economic boost to the area.

Mrs. Fillmore indicated that Energy West has agreed to meet and discuss the project. Those submitting the proposal, the University of Utah, Utah Engineering Experimentation, further indicated in the memo that if this met with approval then they would proceed in preparing a formal proposal for funding to the targeted allocation fund advisory board in the Community Impact Fund Board.

Such a project had the support of those present.

Whereupon, Commission Chairman Kent Petersen inquired if there were any other public comments in regards to this matter. There being none, closed the public hearing.

(2)

#### APPROVAL OF TAF TO FINANCE COAL RESIN STUDY

A public hearing having been held in regards to a request from the University of Utah, Utah Engineering Experimentation station, for a fossil resin industry study in Emery, Carbon and Sevier county. Therefore, it was Commissioner Randy Johnson's motion to give Commission approval and support to the fossil resin industry study. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

#### BID OPENING - 1969 ALLIS CHALMERS HD-21 TRACTOR

This item having been previously discussed and approved in the Commission minutes of January 18, 1995, to dispose of a 1969 Allis Chalmers HD-21 tractor, Clerk, Bruce C. Funk noted that he had received four bids. The bids

were opened at this time. They are as follows: Clay Wilberg in the amount of \$5,307.99; Albert C. Hyatt of Clawson in the amount of \$6,120.00; Tri-City Tractor in the amount of \$4,000; and Lee McElprang of Huntington in the amount of \$5,325.00. Whereupon, motion was made by Commissioner Bevan Wilson to accept the apparent high bid of \$6,120 as offered by Albert Hyatt of Clawson noting the established minimum bid was \$4,000. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

#### PUBLIC HEARING - PRIORITIZATION OF 1995 CAPITAL IMPROVEMENT PROJECTS

Reviewed by the Commission were the capital projects for the year 1994 as reported ending November 30, 1994. The report as of that date showed unexpended fund in the amount of \$493,618.24. A brief review of those projects was made, noting the amount budgeted and expenditures.

At this time, Commission Chairman Kent Petersen opened the meeting for public comment.

Sheriff, Lamar Guymon pointed out that his original budget request for 1995 was for \$90,000 for TV improvements on Horn Mountain, in Huntington Canyon and Ferron Canyon which request was cut to \$10,000. He and Bret Mills have met with Mr. Burr in Green River who maintains the Green River site. His request of the Commission was for an additional \$100,000 to complete these improvements. This would include the installation of a translator for KJZZ on Cedar Mountain. They would have to evaluate the Green River and Cedar Mountain systems further. This funding would finish Horn Mountain and update Ferron and Huntington Canyon areas.

Electronics Technician, Bret Mills discussed what those improvements would be on Horn Mountain. He indicated that for the Cedar Mountain installation they have no key or access to that facility. He discussed other planned improvements.

Commissioner Bevan Wilson inquired if there had been an agreement reached between Emery County and Green River and whether sufficient monies were available for operation and maintenance of the Green River facility.

Responding to that, Sheriff Guymon pointed out that would be a good reason to leave the present budgeted \$10,000. Therefore, his request would be for an additional \$100,000. He further inquired whether ambulance replacement costs would be taken from the capital projects fund, indicating a need to replace the Green River and Emery ambulances.

Recorder, Dixie Swasey inquired of the possibility of a central telephone

system.

Sheriff, Lamar Guymon requested consideration for building a new animal control building at the construction site of the new road shop and weed and mosquito buildings, making this closer and more accessible.

Also discussed was the courthouse renovation.

The public hearing was closed at 9:50 a.m. It was pointed out by Auditor, Ross Huntington that the 1995 year capital projects fund had the following projects budgeted: \$25,000 for the Nursing Home; \$844,200 for the Emery County Road Shop; \$50,000 for the records storage building; and \$40,000 for race track and arena. He noted that the Commission in looking over the considerations for 1995 can adjust that budget without need of another public hearing. Therefore, it was the consensus of the Commission that they would take the recommendations and comments submitted under advisement, developing the list of capital projects for the year 1995.

(5)

#### EASEMENT REQUEST BY PACIFICORP

County Attorney, David Blackwell indicated that he had reviewed the agreement submitted by Pacificorp for an easement across County properties for the construction of a power line. This to be run to the Rilda Canyon portal. It is for a 10 foot easement. Mr. Blackwell indicated he was not comfortable in that the wording included that Emery County would warrant the easement. His recommendation to the Commission was that Emery County scratch out the words "and warrant". Therefore, Emery County would not be warranting the easement.

Therefore, motion was made by Commissioner Randy Johnson to approve the easement request from Pacificorp with the recommended changes by the Attorney's office. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

#### CITIZENS CONCERNS

Commission Chairman Kent Petersen noted that he has had concerns expressed to him in regards to Bott Lane. Wherein, parties owning property along there have requested additional law enforcement noting that a number of people are speeding through there. The Commission so advised Sheriff, Lamar Guymon at this time. Sheriff Guymon noted that those times of enforcement requested by those property owners on Bott Lane appear to be the same times other areas of the County have having the same problem with speeders.

(7)

## ROAD DEPARTMENT BUSINESS

A) Emergency Repairs - Road Superintendent, Rex Funk advised the Commission that because of the large rock which had fallen onto the Cottonwood Canyon road with an approximate size of 21'x12'x12' and other rocks approximately half that size, that he met with Howard Tuttle and Nielsen Construction. Wherein, Nielsen Construction agreed to make the necessary removal of the rock and repairs in the sum of \$10,200.

He further indicated he is in compliance with the County Ordinance and noted the need to remove the stone and restore the road for public safety. Also, this past week, on the Clawson Bench road he met with Darrel Leamaster and Sinbad Construction. Wherein, that has been regraded. Those costs would be shared with the Emery County Road Department and the Castle Valley Special Service District.

Whereupon, motion was made by Commissioner Bevan Wilson to ratify and approve the action taken by Road Superintendent, Rex Funk in regards to authorizing the approval to make the necessary emergency repairs on the Cottonwood Canyon road and the Clawson Bench road. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

B) Mr. Funk discussed the need for a public hearing on the Cottonwood Canyon portal of Energy West. He presented to the Commission a proposed map of construction on the Cottonwood Haul road. This in the vicinity of the mine but does encroach the County Road right-of-way. He recommended to the Commission that this public hearing be set for March 1. If the Commission so approved, he would put notices in the Emery County Progress in February 7 and 14 and he would have Energy West as well as Howard Tuttle of Johansen and Tuttle Engineering present at that public hearing.

Whereupon, motion was made by Commissioner Randy Johnson to set March 1 as a public hearing for public comment on the construction project on the Cottonwood Haul road as requested. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

C) Equipment Purchases - Road Superintendent, Rex Funk requested Commission consideration in purchasing the following equipment: Four bottom-dump trailers at an approximate cost of \$19,000; Four fifth-wheel dollies at an approximate cost of \$6,000 each; One semi-tractor at a cost of approximately \$30,000. That he be allowed to seek bids on a used shop truck, two graders and a crack seal unit.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the request as submitted. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

D) Road Shop Building Surveys - Mr. Funk requested Commission approval to allow Johansen and Tuttle to survey, prepare right of ways and utility easements from the BLM to relocate the site and mark the location of the road shop building as well as work with architect Design West in order to prepare the site and design work.

Whereupon, motion was by Commissioner Randy Johnson to authorize the hiring of Johansen and Tuttle Engineering to proceed with the right of ways, easements and other matters as discussed for the Road Department building as well as the Weed and Mosquito department building and to work with Design West. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

E) BLM Trespass - Mr. Funk briefly reviewed with the Commission the trespass notice which the County received for trespass on the BLM. This is in regards to work being done on the dinosaur quarry road. It results in \$177 fine. Therefore, it was the consensus of the Commission that Mr. Funk respond and set up a meeting. However, noting that the notice was sent to Commission Chairman Kent Petersen. Therefore, motion was made by Commissioner Bevan Wilson to recognize receipt of the trespass notice and authorize Commission Chairman Kent Petersen to respond. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

MEMORANDUM OF UNDERSTANDING - EMERY COUNTY AND EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT

County Attorney, David Blackwell noted that this matter had been previously discussed by the Commission in the last meeting and that the agreement between Emery County and the Emery County Recreation Special Service District has now gone before the Recreation Board. They have signed that agreement, wherein it covers the repayment of the bond to Emery County.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the memorandum of understanding. Motion was approved by all members present.

(9)

VACANCY ON THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT BOARD

The Commission recognized the resignation of Drew Leroy who was appointed by

the Commission on the Emery County Recreation Special Service District board. County Attorney, David Blackwell indicates that in a review of the law, the position vacancy must be noticed up for a period of two weeks. Therefore, he noted that it would be the March 1 Commission meeting before Commission action could be considered.

Whereupon, motion was made by Commissioner Randy Johnson to authorize the Attorney's office to proceed in noticing up the vacancy on the Emery County Recreation Special Service District. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

#### INTERIOR COURTHOUSE PAINTING PROJECT

County Attorney, David Blackwell having previously provided to the Commission a proposed bid schedule and form for the interior courthouse painting. It being reviewed, motion was made by Commissioner Bevan Wilson to approve the proposed bid schedule and form for the interior painting of the courthouse with the following additions: it include a cost for painting the door frames where needed, that proof of liability and workmen's compensation be provided to the County and that the Attorney's office proceed. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

#### BUSINESS LICENSE APPROVAL

Clerk, Bruce C. Funk presented a business license application to the Commission for consideration for Carl and Ann Jensen of Huntington who want to do business as C & A Beads to sell beaded earrings, novelties and other hand crafted items. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the business license as presented. Motion was approved by all members present.

(12)

#### ASSESSING AND COLLECTING PAYMENT

Presented to the Commission was a claim in the amount of \$317,000 as a quarterly payment on the assessing and collecting. This to be paid to the State Treasurer. Whereupon, motion was made by Commissioner Randy Johnson to ratify the payment to the State Treasurer under the new assessing and collecting law. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

## REQUESTS FOR COUNTY DONATIONS

At this time, the Commission has three requests for County donations. Those being from Silas McArthur in the amount of \$50, Community basketball in the amount of \$250, and Emery Wool Growers in the amount of \$1500 for predator control.

A question raised by this Commission was whether to establish a funding policy. Commissioner Randy Johnson pointed out that he is not opposed to funding the small requests in that they do much for good will. However, that the Commission establish a limit and consider that those over \$100 submit their requests for consideration in the budget process and that requests under \$100 be handled on an individual request basis.

Auditor, Ross Huntington pointed out that the Emery County Wool Growers in their request for assistance in predator control referring to a letter dated December 14 from Gayle Jorgensen and also on December 15 when Ray Jorgensen visited the Commission. At that time, the Commission indicated they would consider the request during the budget process. However, Mr. Huntington pointed out that it appears the request dropped through the cracks. He noted that they did not receive any funding in 1990 and 1991. In 1992 they received \$4,000, in 1993 they received \$1500 and in 1994 they received \$1500. Therefore, the request at this time was again for \$1500.

Whereupon, after further discussion, motion was made by Commissioner Randy Johnson to approve the contribution to Community basketball in the amount of \$200 as was contributed last year; \$50 to Silas McArthur and \$1500 to the Emery Wool Growers. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

## COUNTY-WIDE WATER CONSERVATION PLAN - CONSIDERATION OF COMMISSION APPOINTMENT

Commission Chairman Kent Petersen noted that the County-wide water conservancy group is meeting on February 16 at 7:00 p.m. His inquiry of the Commission was if the Commission was desirous to appoint a Commission representative on that committee. It was Commissioner Bevan Wilson's recommendation that the full Commission be involved. Therefore, it was the consensus that because of the importance of this group that the full Commission be represented rather than appoint one Commissioner.

(15)

## KINGS LANE AGREEMENT



The Emery County Special Service District No. 1 is working on the Kings Lane. Part of the project is to move an existing ditch and to put it into a pipe. Emery County's responsibility is to obtain all right-of-ways. Therefore, motion was made by Commissioner Randy Johnson to approve the agreement and authorize Commission Chairman Kent Petersen to sign the same on behalf of Emery County. It was noted that the original agreement has been sent to Green River for signature. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

#### 1995 COUNTY FAIR PLANS

Commissioner Randy Johnson gave those present an update in regards to the Emery County Fair. It was noted that budgeted was \$5,000 for paying someone to coordinate the activities. He noted that his discussion with others is that there are a number of people willing to be involved on a volunteer basis. If we were to pay someone to take the responsibility, how would this be perceived by those who volunteer. Again, he emphasized the number of people ready and willing to proceed. They have last year's experience. Consideration needs to be given by the Commission as to the appointment of a Fair Board Chairman. Their first meeting is coming up the first part of February.

Emery County Chamber of Commerce President Jim Fauver requested Commission consideration in using and paying their Director. He noted this would have a follow-through consistency in future years. That person being Linda Jewkes. Linda noted that she has also served on the Fair Board for the past three to four years and that there would be advantages to having a person coordinate the activities because many events have to be scheduled three to four years in advance.

After further discussion, it was the recommendation of Commission Chairman Kent Petersen that they go ahead with the present fair board, look into the appointment of a Fair Board Chairman and as a separate issue the Commission discuss consideration of a Director's salary and responsibilities to the Fair Board. The need of the Chamber of Commerce's involvement was recognized. Involvement of groups is what makes the Fair a success, that the Commission does support long range planning.

Therefore, motion was made by Commissioner Randy Johnson to reappoint Sharon Earl as the Emery County Fair Board Chairman and existing board members who are willing to serve. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Also discussed was setting the 1996 County Fair for August 2 through August

10.

(17)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #78435 through and including #78571 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Description	Amount	Action
6	Two pulse oximeters - Ambulance	1,280.00	Approved
7	1991 Peterbilt Truck - Road	30,000.00	Approved
8	16' dump bed - Road	10,286.0	Approved
9	Four 2-axle dollies - Road	24,000.00	Approved

Motion to approve all warrants for payment and requisitions for purchase was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

Presented also for Commission consideration were two fixed asset disposition forms. The first was for a 1983 Mack Tractor, fixed asset #4855, serial #1M2U230C5DM001050, from the Road Department, to be used as a trade. The second was for a Sanyo CY5000DP Calculator, fixed asset #002373, serial #19200581, from the Assessor's office, to be junked because it is broken.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the disposition form as requested. Motion was approved by all members present.

(18)

COMMISSION MINUTES

The minutes of the January 18, 1995, Commission meeting were presented for Commission consideration. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the minutes as corrected. Motion was approved by all members present.

(19)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for

Commission consideration:

A) Assessor - Requested was approval to hire Kristine Bell part time in the Assessor's office, working less than 20 hours per week, no benefits, at a Grade 4, Step A or \$7.21 pe hour. Effective date is February 1, 1995.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to hire Kristine Bell as requested. Motion was approved by all members present.

B) Assessor - Assessor, James Fauver advised the Commission that he is in the process of hiring a temporary "up to 90 day" employee who will work in his office until approximately April 1 or until Julie Truman returns from maternity leave. It was agreed upon by Mr. Fauver and the Commission that the temporary hire be paid at the rate of \$5.00 per hour.

C) Road Department - Request was made to begin the recruitment process for two up to 9-month temporary Operator I and one up to 9-month temporary diesel mechanic.

D) Commission Secretary - Request was made to begin the recruitment process for a full-time career service Commission Secretary. This is to replace Leslie Bolinder who will be taking the position previously held by Wes Curtis as Housing Authority Director.

Therefore, motion was made by Commissioner Randy Johnson to proceed with the recruitment process and advertising on the positions in the Road Department and Commission Secretary. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

#### SHERIFF'S BUSINESS

Sheriff, Lamar Guymon presented the following for Commission consideration.

A) Patrol Vehicle Replacements - He noted that for the year 1995 he will replace five cars. Presently he would like to replace three patrol cars. The State bids are as follows: Crown Victoria - Super Ford in Salt Lake City is \$16,539; Community Motors in Price is \$16,998. Chevrolet Caprice - Gus Paulos in Salt Lake City is \$16,380.

Sheriff Guymon noted the convenience and savings in purchasing a vehicle from Community Motors. Therefore, it was suggested that he make an offer to them.

Whereupon, motion was made by Commissioner Bevan Wilson to authorize Sheriff, Lamar Guymon to contact Community Motors in Price and offer to purchase the

vehicles at the State bid price as submitted by Super Ford. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

It was noted that they had better success and less maintenance with the Ford Crown Victoria over the Chevrolet Caprice.

B) Ferron Ambulance - Sheriff, Lamar Guymon pointed out that he has received bids from Professional Sales and Service for an ambulance for Ferron in the amount of \$83,498; one from Rocky Mountain in the amount of \$81,200.

Discussed was grant funds, monies carried over from last year as well as this year to cover the purchase of the vehicles. Also discussed was going to the CIB for future funding of ambulances.

Whereupon, motion was made by Commissioner Randy Johnson to accept the bid from Rocky Mountain for an ambulance in the amount of \$81,200. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

C) Forest Service Contract - Sheriff Guymon pointed out that just today he had received the new proposed Forest Service Law Enforcement contract. He noted that there is no way he can provide the requested services which is about three times what has been provided in the past for the same reimbursement rate. Therefore, it was his recommendation to the Commission that upon their review of the agreement that Emery County consider not entering into that agreement.

(21)

U OF U TRANSLATOR - CHANNEL KULC

Commissioner Randy Johnson reviewed a letter of request from the University of Utah to install a translator on Horn Mountain. He has met with Sheriff, Lamar Guymon and Bret Mills who have reviewed it as to its feasibility and recognizes some benefit from it. That Emery County Attorney, Dave Blackwell has briefly reviewed the document and finds no problem. Therefore, it was Commissioner Randy Johnson's motion to approve the installation of a translator on the Horn Mountain facility upon approval by Bret Mills. Mr. Mills will check for frequency interference by installation of the program and if there is none, to proceed and authorize the installation. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(22)

WATER RESOURCE BOARD APPOINTMENT

The Commission noted that the term of service of Eugene Johansen of Castle Dale is up and he cannot be reappointed. Therefore, the Commission needed to give careful consideration to this and make a recommendation in filling that vacancy. Therefore, after further discussion, motion was made by Commissioner

Bevan Wilson that the Commission recommend an appropriate name and submit it and ratify that action in the next Commission meeting. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(23)

#### PUBLIC LANDS COMMITTEE - CLERICAL HELP

The Commission noted that the Public Lands Committee is in need of clerical help. It was therefore, their recommendation that Anne Curtis be hired at her current rate of pay on an hourly basis to assist Chairman Tracy Jeffs and the Committee with those clerical needs. Therefore, motion to that effect was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

The funding is to come out of Planning and Zoning.

(24)

#### EMERY COUNTY TRAVEL COUNCIL

Commissioner Bevan Wilson noted that in the upcoming meeting of the Emery Travel Council that the Council needs some direction from the Commission whether to set themselves up as a separate entity from the County with their own by-laws or as an advisory council to the Commission. It was his preference that it be set up as a separate committee as much as possible. This would better facilitate interlocal agreements to be entered into with Carbon County for State funding. He also discussed the need to establish office space with the Museum Board as well as develop a job description for the Director and consideration of contracting with Emery County for payroll and other services.

Commission Chairman Kent Petersen indicated he felt it would also be wise to be an independent group. Therefore, it was the consensus of the Commission that they give this further consideration and review.

(25)

#### WEED & MOSQUITO DEPARTMENT - REQUEST FOR AUTHORIZATION TO PARTICIPATE IN FEDERAL SURPLUS PROPERTY PROGRAM

Clerk, Bruce C. Funk reviewed memorandums from Allen Thorpe to David Blackwell of January 17, 1995. Wherein, Mr. Thorpe suggested that all purchases be under the name of Emery County. However, he has contacted the surplus property director office and they have suggested that it be kept under the individual departments to better facilitate audits. However, they would be agreeable if the Commission was so desirous to put it all under one name. However, it was pointed out that previously, names have been submitted as authorized purchasers from Emery County and that in the interest of time that

this application be submitted and should the Commission at a future date decide to combine those, they would so do.

Therefore, motion was made by Commissioner Bevan Wilson to authorize the Weed & Mosquito Supervisor James Nielsen to participate in the Federal Surplus Property Program. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(26)

#### MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 1:12 p.m. and opened the Municipal Building Authority Board of Trustees meeting.

(27)

#### MINUTES OF THE MUNICIPAL BUILDING AUTHORITY BOARD OF TRUSTEES

Commission Chairman Kent Petersen noted that appointment should be made to the Board of Trustees in that Commissioners Justice and Thompson are no longer Commissioners, as well as appointments to the position of President, Vice President, Secretary and Treasurer to that Board.

Whereupon, motion was made by Commissioner Randy Johnson to appoint Commissioners Bevan Wilson and himself to the Board of Trustees of the Municipal Building Authority. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(28)

#### OFFICERS OF THE MUNICIPAL BUILDING AUTHORITY BOARD OF TRUSTEES

Commissioner Randy Johnson made a motion to appoint Commission Chairman Kent Petersen as the President, Commissioner Bevan Wilson as the Vice President and Commissioner Randy Johnson as the Secretary and Treasurer and to pay the \$10 annual fees and for Commission Chairman Kent Petersen is to continue as the registered agent. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(29)

#### MEETING ADJOURNMENT OF THE MUNICIPAL BUILDING AUTHORITY BOARD OF TRUSTEES

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to adjourn the meeting at 1:16 p.m. Motion was approved by all members present.

ComMin2-15-95  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE

February 15, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

(1)  
ACCEPTANCE OF 1994 SECTION CORNER SURVEY PLATS - RESOLUTION 2-15-95A

Craig Johansen, of Johansen and Tuttle Engineering, presented to the Commission for their consideration the 1994 completed Section Corner Surveys. He informed the Commission this is part of an on-going program. For the last 15 years the County has expended \$15,000 per year to locate section corners on private property in Emery County. There is approximately two years left on the project. Therefore, he recommended to the Commission that they accept these plats as surveyed and approve Resolution 2-15-95A.

Whereupon, motion was made by Commissioner Randy Johnson to accept the survey plats as prepared by Johansen and Tuttle Engineering and approve Resolution 2-15-95A outlining the same and authorize Commission Chairman Kent Petersen to sign the plats. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)  
WOODSIDE CEMETERY FENCING PROJECT

Mark H. Williams of the Historical Society informed the Commission that they have secured pricing on ornamental type fencing for approximately \$2,800 for the Woodside cemetery. The pricing is from Intermountain Farmers. They have since found out there is an Eagle Scout project from the Price area in which the scouter had obtained four-foot posts, but was unable to get the necessary permit from the BLM to fence the cemetery at Woodside. The project would include two walk-in gates, one large gate for equipment and includes a top rail.

It was noted that Rex Funk is in the permitting process. Mr. Funk indicated that the Road Department could possibly assist in boring the holes as well as graveling the road. This would be under a special projects line item in their budget. It was indicated that Mr. Pohl at Woodside has agreed to dig the post holes.

Therefore, motion was made by Commissioner Bevan Wilson to authorize Road Superintendent, Rex Funk to proceed with the permitting process with the BLM, coordinating efforts with the Historical Society, and that Mr. Funk and the Historical Society proceed and complete the project and allow the scouter to help if possible. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)

### BLM QUARTERLY REPORT - PRESENTATION OF HABITAT MANAGEMENT PLAN

Ms. Penny Smalley of the Bureau of Land Management indicated to the Commission that part of her purpose in coming before the Commission at this time was as part of the quarterly update. She informed the Commission that the comment period has been extended to April 15 on the BLM Habitat Management Plan for the San Rafael area.

Ms. Smalley further informed the Commission that the Eco Challenge decision has been signed and approval given. The race will take place on April 24 to May 5 or 6. She outlined the route. She further indicated that approximately 500 people would be available prior to April 24 to do service projects. Her desire of the Commission would be to have a designated person to coordinate the projects. She requested that if people had projects for these groups to call her.

She extended compliments and gratefulness to the Road Department for work done at the San Rafael campground. She noted that grazing on BLM land may have to be cut short because of shortage of rain fall.

She then turned the time over to Wayne Ludington in regards to the Habitat Management Plan. She noted that possibly another meeting needs to be set for a more in-depth discussion and this meeting should simply be a briefing.

Mr. Ludington outlined the management objectives in the San Rafael. He pointed out that they would be looking at eliminating the trailing of domestic sheep through the Buckhorn area. He noted that it was his conclusion that this causes death to the Big Horn Sheep who come in contact with domestic sheep.

Concern from those in attendance was as to whether actual deaths have been



documented of the Big Horn Sheep to domestic sheep. It was pointed out that at Montana State University this has been studied. As a result, the Forest Service had reversed its decision because the study was inconclusive that deaths to Big Horn Sheep were caused by domestic sheep.

Commission Chairman Kent Petersen noted that this seems to be a drastic action in not allowing trailing where deaths to Big Horn Sheep caused by domestic sheep hasn't been proven.

Another item to be included in the Habitat Management Plan is to eliminate livestock grazing in the San Rafael Canyon bottom. This area is from the Fuller Bottom to the Johansen Cabin. A number of people in attendance expressed concern over this proposal and questioned access to water, where livestock grazing would be permitted, fences would be placed across the river, but would allow travel by horseback as well as on the river by boat and rafts. Also mentioned was that they have identified the Oil Well Flat, North Sinbad and the Black Dragon as areas where antelope habitat should be expanded.

Commissioner Bevan Wilson inquired as to how the BLM derived the wildlife A.U.M.'s. Mr. Ludington noted that these were identified in the adjudication process in the 1960's.

Al Hyatt expressed concern over the action which might be taken in the Mexican Bend area.

After further discussion, it was the consensus of those present that a meeting be set on March 7 from 6:00 to 9:00 p.m. at the Commission Chambers. This to be an open house type meeting. Wherein, the BLM can address those concerns individually with each of those persons desiring to attend. They agreed to notify the permittees about this meeting.

Dixon Huntington noted that from what is being presented it appears there are a lot of things that need to be looked at and asked that consideration be given to possibly waiting on this proposal until after the wilderness issue which has involved a great deal of the Commission's time.

Craig Johansen requested of the BLM that they provide AUM's, both for domestic livestock as well as wildlife for all allocations in the San Rafael area.

Wade Jensen requested of the BLM that they notify permittees in writing as to the upcoming meetings. He noted that in regards to the meeting tonight, only some permittees got notification.

Commission Chairman Kent Petersen expressed appreciation to all those in attendance, particularly to the public involved in livestock.

(4)

## LONG DISTANCE TELEPHONE CARRIER

Commission Chairman Kent Petersen briefly reviewed a letter received from Emery Telephone Company. Wherein, the County is to designate the long distance carrier. He reviewed the names of those carriers.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to designate AT&T as the long distance carrier for Emery County. Motion was approved by all members present.

(5)

## STATE MOTOR VEHICLE REGISTRATION AND TITLE CONTRACT

County Attorney, David Blackwell presented to the Commission for their consideration the renewal contract for Motor Vehicle registration and title work done by the County. Mr. Blackwell noted this is an annual contract.

Whereupon, motion was made by Commissioner Bevan Wilson to accept and approve the contract for the 1995 year as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

## JOHN WELSH GYPSUM CLAIMS

Commission Chairman Kent Petersen reviewed with those present a proposal received by Mr. John Welsh, a geologist from Salt Lake. Mr. Welsh proposes that three non-profit local entities such as the Museum, the County Theater and one other be included with himself as owners of gypsum claims. It was noted that the Museum Board has approved their participation. It was also noted that Deputy Attorney, Allen Thorpe has some recommended changes.

Rosann Fillmore requested that the Commission possibly direct the Attorney's office to prepare a final agreement for the March 1 Commission meeting for Commission consideration. However, after further discussion, it was the consensus of the Commission that this not be done in the name of Emery County and that liability as to reclamation and other concerns be looked into very carefully.

After further discussion, motion was made by Commissioner Randy Johnson to authorize the County Attorney's office to review this further, to proceed cautiously and bring this item back to the Commission for further review and consideration. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

## BEAR CANYON CAMPGROUND MAINTENANCE CONTRACT

Commission Chairman Kent Petersen inquired of Clerk, Bruce C. Funk as to the status in regards to the Bear Canyon Campground maintenance contract. Wherein, Mr. Funk advised the Commission that the previous Commission had requested that all contracts be reviewed. However, the Bear Canyon contract was held until after the November election. Mr. Funk indicated he had recently submitted a letter to the Commission wherein it was his recommendation that Dave Thompson have a greater involvement and input into the management of that facility. Therein, he recommended that Mr. Thompson, Commission Chairman Kent Petersen and himself meet together and review what things could be done to improve the revenues at the site.

Mr. Allen Jorgensen who was present at this time noted that he had previously provided to Commissioner Justice an outline of those duties which he had performed as caretaker of the campground. In which, the Commission indicated that they would make an effort to locate that. Mr. Jorgensen would try and resubmit those.

Therefore, it was Commissioner Petersen's recommendation that this be set for the March 15 Commission meeting for final consideration.

(8)

### ROAD DEPARTMENT BUSINESS

A) Ratification of project proposals for 1995 - Road Superintendent, Rex Funk informed the Commission that in the previous Commission meeting the following project proposals were provided to the Commission and signed. However, a couple were overlooked. For the purpose of including them in the minutes, he therefore reviewed each of the following projects:

1. Horse Canyon - Proceed with road survey of Horse Canyon with accompanying alternative route, with deed descriptions and drawings. Estimated engineering cost: \$5,300.
2. Emery County Road Shop - Proceed with staking BLM property located on Des Bee Dove Mine Road for proposed County Road Facility. Estimated Engineering cost: \$500.
3. Cottonwood Canyon Road - Proceed with emergency repair work for Cottonwood Canyon Road - Slide area. Estimated engineering cost: \$1,800. Estimated construction cost: \$11,000.
4. Goblin Valley Road - Proceed with preliminary design for realignment and permit process with BLM. Estimated engineering cost: \$15,000.

5. North Huntington Bus Loop - Proceed with right of way descriptions with accompanying easements and drawings. Estimated engineering cost: \$10,000.
6. Mill Dam Bridge (Orangeville) - Proceed with preliminary design for bridge replacement with drawings. Estimated engineering cost: \$22,000. Estimated construction cost: \$220,000.
7. Lawrence-Cleveland Curves - Proceed with right of way descriptions with accompanying easements and design for bid. Estimated engineering cost: \$16,000. Estimated construction cost: \$130,000.
8. Mill Dam Road (Orangeville) - Proceed with right of way information, easements and preliminary design for road realignment with accompanying drawings. Estimated engineering cost: \$18,000. Estimated construction cost: \$150,000.

Whereupon, motion was made by Commissioner Randy Johnson to approve the project proposals as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

B) Equipment Purchase Changes - Mr. Funk discussed the intended purchasing of the belly dump trailers and fifth-wheel dollies. He noted that in locating the equipment, he found two trailers of a better construction at a cost of \$680 more each. Therefore, he initiated and approved the purchase of the two trailers. In regards to the fifth-wheel dollies, upon his investigation they were not what he expected. Therefore, he went back to Vickers Equipment and found the fifth-wheel dollies with all new construction for an additional cost of \$1,350 or a total of \$5,300, in which he proceeded and purchased.

His request of the Commission was to ratify the action taken by himself.

Whereupon, motion was made by Commissioner Bevan Wilson to ratify the action of Road Superintendent, Rex Funk wherein he has changed the original equipment purchase and increased costs. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

RESOLUTION SUPPORTING THE SOUTHEASTERN UTAH ECONOMIC DEVELOPMENT DISTRICT'S ECONOMIC DEVELOPMENT PLAN AND WORK PROGRAM FOR 1995/1996 - RESOLUTION 2-15-95B

Commission Chairman Kent Petersen reviewed Resolution 2-15-95B. Wherein said Resolution gives Emery County's support of the continuation of the Southeastern Utah Economic Development District's Economic Development Plan

and Work Program for 1995/1996. Also, that the Emery County Commission go on record in support of the continuation of the economic planning activities of the District and urge the acceptance of the District's planning grant application by the U.S. Economic Development Administration. He further requested of the commission consideration and authorization for proxies for those commissioners unable to attend meetings of that District. It was noted it is made up of the Commissioners from all four counties. Therefore, a quorum would be present at the meetings in order to conduct business.

Whereupon, motion was made by Commissioner Randy Johnson to approve Resolution 2-15-95B as presented and also to provide and approve proxies for those commissioners unable to attend those meetings. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #78917 through and including #79056 for payment. The following requisitions were presented for Commission consideration:

Req. #	Description	Amount	Action
9A	Four new tandem axle dollies - Road	29,400	Approved
10A	Two new pup units & two demo pup units - Road	77,364	Approved
11	Three 1995 Crown Victoria Police Interceptors - Sheriff	50,112	Approved
12	Bodyguard and screen cage - Sheriff 540		Approved
13	Three office chairs - Sheriff	1,944	Approved
14	1995 Ford walk-through Ambulance for Ferron - Ambulance	81,200	Approved
15	Roll-in ambulance cot for Castle Dale Ambulance - Ambulance	1,592.94	Approved
16	Computer desk, chair, shelving and two lateral files - Library 548.96		Approved

17 Cannon copier for Orangeville -  
Library 3,120 Approved

18 Three telemetry transmitters -  
Drug Enforcement 1,026 Approved

Whereupon, motion was made by Commissioner Bevan Wilson to approve the warrants for payment and the requisitions for purchase. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

The following disposition forms were presented for Commission consideration:

A) Miida calculator, fixed asset #001118, serial #1200P, 08760640 from the Recorder's office. This is to be junked.

B) 1983 Mack Tractor, fixed asset #4855, serial #1M2U230C5DM001050 from the Road Department. This was used as a trade.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the disposition forms as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

#### COMMISSION MINUTES

The minutes of the February 1, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

(12)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items to the Commission for consideration:

A) Assessor - Request is made to hire Nadine Thompson in a temporary clerical capacity, "up to 90 days" at the rate of \$5.00 per hour beginning February 6, 1995.

B) Auditor - Request is made to hire Carol Cox part time, less than 20 hours per week with no benefits, at a Grade 4, Step A or \$7.21 per hour beginning February 13, 1995.

Motion was made by Commissioner Bevan Wilson to approve the hiring of Nadine Thompson in the Assessor's office and Carol Cox in the Auditor's office as requested. Motion was seconded by Commissioner Randy Johnson and approved by

all members present.

(13)

## COMMISSION REPORTS

Commissioner Randy Johnson:

1. He noted that the County has received a letter wherein the Sheriff's office could possibly receive grant monies for hiring of a police officer. This was also included in an article in the Emery County Progress dated February 14, 1995.

The Commission expressed some concerns and reservations as to the commitment the County makes in the hiring of an individual under this program.

Commissioner Bevan Wilson:

1. He read a letter he received from Merrill Swasey of the Emery County Special Service District No. 1. Wherein, Mr. Swasey requests that the commission consider a stay on the 15% mineral lease monies which the previous Commission had by Resolution agreed to give to the Castle Valley Special Service District for use in their operation and maintenance budget.

It was noted that the Service District No. 1 had received a request from Nielson Construction to make badly needed improvements on the North Loop road and that the Service District No. 1 does not presently have sufficient monies to do that project at the present time.

Therefore, it was recommended that the Commission acknowledge receipt of the letter with a recommendation that no action be taken at this time. It was also pointed out that the North Loop Road is the next road project to be considered by the Service District No.

1. It is a bus loop and would be done as soon as money is available.

2. He indicated that the Interlocal Agreement between Emery County and the Emery County Special Service District No. 1 expired October 31, 1994. There is a need to renew it. It is a five-year agreement. Wherein, the Service District No. 1 pays \$10,000 to Emery County for office space, legal assistance and auditor services. The Service District No. 1 has approved the renewal. Therefore, it was the consensus that this be put on the next Commission agenda for renewal.

3. He pointed out that the previous Commission in their action of June 15, 1994, entered into a contractual agreement with Tracy Jeffs as a consultant in the Comprehensive Plan. Mr. Jeffs was to be paid at the rate of \$500 per month. That agreement has expired. However, it was the consensus of the Commission that they would like Mr. Jeffs to continue in that capacity until the wilderness issue is resolved. Therefore, Commission Chairman Kent Petersen asked that this item be placed on the agenda for the next Commission meeting for renewal.

(14)

#### MEETING ADJOURNMENT

Motion to adjourn the meeting at 8:22 p.m. was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson. Motion was approved by all members present.

ComMin3-1-95

#### MINUTES OF THE REGULAR MEETING

#### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

#### HELD IN THE EMERY COUNTY COURTHOUSE

March 1, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:02 a.m.

(1)

#### PUBLIC HEARING - ENERGY WEST ROAD ENCROACHMENT - COUNTY ROAD #506

Commission Chairman Kent Petersen opened the meeting at this time for a public hearing to receive public comment regarding an application from Energy West for encroachment on County Road #506 for the purpose of installing a diesel equipment access portal and an overhead belt line in the vicinity of the Trail Mountain Mine.

Road Superintendent, Rex Funk indicated that he and Howard Tuttle of Johansen and Tuttle Engineering have been to the site on a number of occasions and reviewed the overhead belt line over the County road as well as providing for a portal to be used by the mine's diesel equipment. They have determined that



it would be of a minimal impact, provided that signs are posted and possibly flashing lights and that a stop sign be placed on accesses to the County road. He further noted that in the past the County has waived the processing fee as part of an interlocal agreement. The belt line is approximately 40 feet above the roadway and all construction supporting the belt line is outside the road right of way.

Mr. Val Payne of Energy West briefly reviewed the requirements of DOGM and OSM. Wherein, in a sense they are accessing a public right of way. A public hearing needs to be held and as such this meeting meets that requirement. He further outlined the need for the construction. Anticipating completion of the project in early August 1995.

Mr. Craig Johansen inquired as to whether they have looked into the parking problem at Trail Mountain and if there was going to be any traffic control devices installed. Also, whether the County had sufficient signing in the canyon because of the increased traffic due to the miners being transferred from Cottonwood to Trail Mountain. He further recommended that the Cottonwood Straight Canyon intersection be carefully looked at.

Mr. Payne further responded to Mr. Johansen in noting that Energy West is willing to comply with the agreement previously entered into between Trail Mountain and the Cattleman's Association regarding the movement of cows through the canyon during certain times of the year. Mr. Payne emphasized that he did not anticipate any reduction in the Cottonwood work force and that they would be transferred to Trail Mountain.

There being no other concerns expressed, Commission Chairman Kent Petersen closed the public hearing at 9:36 a.m.

(2)

#### ENERGY WEST - APPROVAL OF APPLICATION FOR ENCROACHMENT ON COUNTY ROAD 506

A public hearing having been held, motion was made by Commissioner Randy Johnson to approve the application for encroachment as submitted by Energy West upon satisfactory compliance to the Ordinance as well as meeting the approval of Planning and Zoning. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

#### BID OPENING - INTERIOR COURTHOUSE PAINTING

Commission Chairman Kent Petersen at this time opened two bids received on the courthouse interior painting. He read those bids aloud. The first bid from B&T Builders Supply of Clawson in the amount of \$4,865.00 and at a rate of \$8.00 per side to do door frames. The second bid was from Russell Pace

Painting and Decorating of Elmo in the amount of \$8,465.00 and at a rate of \$9.00 per side to do door frames.

Whereupon, motion was made by Commissioner Bevan Wilson to accept the low bid from B&T Builders in the amount of \$4,865.00. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

#### CASTLE DALE'S REQUEST FOR SUPPORT ON MULTI-PURPOSE CENTER

Mr. Dan Whiteleather, Castle Dale City Council Member, came before the Commission on behalf of Castle Dale City to solicit support from the Emery County Commission in a proposed multi-purpose center to be located east of the Museum of the San Rafael. This building would be utilized by the Senior Citizens wherein they would have a designated area with a kitchen of their own. This building could also be used to house the County Fair as well as basketball and other indoor activities. He indicated they presently do not have any plans, but were first soliciting support from the Commission before proceeding with developing plans. They would also hold public hearings in Castle Dale. They would like any funding that the County has been contributing to the Castle Dale Senior Citizens to be diverted to the support of the Recreation Center as well as rental fees paid out on fair buildings and booths.

Commissioner Bevan Wilson noted that Castle Dale greatly needs a Senior Citizen Center. Commissioner Randy Johnson, together with Commission Chairman Kent Petersen also expressed support. However, they recommend that since the Recreation District already has an application in at the Community Impact Board that consideration might be given to amending that application to suit their needs. Also, drawings of a proposed recreation center have previously been drawn through Design West.

Therefore, it was the consensus of those present that Mr. Whiteleather meet with Commission Chairman Kent Petersen and determine what action needed to be taken in order to pursue those CIB funds and the drawings which have been made by Design West.

(5)

#### FACT - K-3 PREVENTION PROGRAM

Mr. Larry Heaton presented to the Commission members of the Fact K-3 Prevention Program. He noted that this is a group wherein it brings families and agencies together. This is their second year in Emery County. Those members introduced themselves. They were Connie Wituhn, Wayne Tuttle, Jon Crawford, Johanna Becket, Terri Wright, Geraldine Wright, Cheryl Peck, Geniel Huntington and Larry Heaton. They briefly described the services which they render as part of that group.

In conclusion, Larry Heaton further defined the purpose and function of the

team. They handed out brochures in regards to those services.

The Commission expressed appreciation for their efforts.

(6)

#### EMERY COUNTY YOUTH COURT

Angie Hardee, Mayor of the Orangeville Youth City Council, addressed the Commission. She indicated that they have support from Castle Dale, Orangeville, Ferron and Huntington Youth Councils for the creation and support of an Emery County Youth Court. They are presently made up of members from the Senior Class of Emery High School. They have fashioned a program after programs in Spanish Fork, American Fork and Salt Lake City. It would offer an alternative to Juvenile Court on minor offenses.

The Commission encouraged the efforts of the group. However, they suggested that they get more public input.

(7)

#### CITIZENS CONCERNS

A) Parking - The parking situation around the courthouse having been previously discussed with elected officials and department heads, the County is going to designate the east curb adjacent to the courthouse as a 30-minute parking limit between the hours of 8:00 a.m. and 5:00 p.m.

B) Road Request - The Commission had received a letter from a citizen in the County requesting the County to take over a certain road. However, it was the consensus of those present and motion of Commissioner Randy Johnson that the Commission acknowledge receipt of the letter and advise by return mail that they will further look into the matter. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

#### EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT - BOARD APPOINTMENT

Commission Chairman Kent Petersen reviewed the make up of the Emery County Recreation Special Service District Board. Wherein the County has three appointments at large. Those presently being held by Commission Chairman Kent Petersen, Dan Whiteleather and Drew Leroy. They have received the resignation of Drew Leroy of Orangeville. Therefore, they have advertised the vacancy in the newspaper. They have received three applications. Those being from: Leon McElprang of Huntington, Mark Justice of Huntington, and Drew Sitterud of Ferron. After further discussion, Commissioner Randy Johnson pointed out that the Recreation Board needs to look at the involvement of each of its members and make sure that they are actively participating.

Motion was made by Commissioner Bevan Wilson to approve Leon McElprang to be appointed to the Emery County Recreation Special Service District. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

#### DONATION TO THE BABE RUTH BAMBINO LEAGUE

Auditor, Ross Huntington reviewed previous donations made to the Babe Ruth Bambino League. Last year they were given \$500. These are from ages 7 to 12. Whereas regular Babe Ruth is from ages 13 to 15. It was suggested that requests for funding be submitted for inclusion in the budget cycle. These funds are to be taken out of dues and contributions.

Whereupon, motion was made by Commissioner Randy Johnson to support the Babe Ruth Bambino group with a \$500 donation as was given last year. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

#### CONSIDERATION AND APPROVAL OF UNDERTAKING OF VAUGHN PROPERTY

County Attorney, David Blackwell reviewed the background of property in which the County had sold at the May 23, 1991, Tax Sale. Wherein, the said tax sale was conducted without notice having been given to all of the record owners and lien holders interested in the property. Therefore, the County subsequently executed a warranty deed to that part of the property of John E. and Wanda Vaughn. He further recommended that in the future that the County not provide warranty deeds. Problems which have arisen have been cleared up and therefore, he was proposing to the Commission that in order to enable the Vaughns to proceed with obtaining title insurance that the County would undertake the property and should any claims be filed following the date of May 23, 1995, that date being the date of the Statute of Limitations, the County would take any necessary action to quiet the tax title.

Whereupon, motion was made by Commissioner Randy Johnson to approve the undertaking on the property in question and approve the signing of the same on this day. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

#### JOHN WELSH - GYPSUM CLAIMS

County Attorney, David Blackwell and Deputy Attorney, Allen S. Thorpe reviewed the agreement having been previously discussed in the Commission meeting of February 15, 1995. They have two non-profit agencies who are interested in being a part of the locators. They are still looking for a third party. They have changed the language of the agreement to not hold these County entities liable for any reclamation, claim, development, etc. They will also add the

language to indemnify these locators as to any legal action in the future. Other possible agencies for the third group were provided to Mr. Thorpe for consideration by Mr. Welsh.

(12)

#### TRACY JEFFS CONTRACT

Commission Chairman Kent Petersen noted that Tracy Jeffs is the Chairman of the Comprehensive Planning Committee as well as the Emery County Public Lands. This matter having been reviewed and approved in the previous Commission meeting to continue the contract with Mr. Jeffs. Therefore, motion was made by Commissioner Randy Johnson to ratify the action taken in the minutes of the February 15, 1995, Commission meeting. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

#### EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1 - INTERLOCAL AGREEMENT

County Attorney, David Blackwell presented to the Commission the Interlocal Agreement between Emery County and the Emery County Special Service District No. 1. Wherein, the County provides part-time secretarial, auditor, legal and space for an office. Wherein, the County receives the sum of \$10,000. This is a continuance of the previous agreement. This for a period of 10 years. The Emery County Special Service District No. 1 Board has approved the agreement.

Therefore, motion was made by Commissioner Bevan Wilson to approve the Interlocal Agreement as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

#### HORSE CANYON ROAD

Road Superintendent, Rex Funk reviewed the deed provided by Los Angeles Power. Wherein, they convey the Horse Canyon Road to the County. This is in order to prevent their reclamation of the road if they were to retain ownership of it. However, Mr. Funk pointed out that before the County accepts the ownership of the road that he has concerns in regards to the bridge there in that it is unsafe and does not meet standards. After further discussion, it was the consensus of the Commission that they were willing to proceed and discuss this matter further and that it be put on the agenda for the March 15 Commission meeting. Motion to that effect was made by Commissioner Bevan Wilson, seconded by Commissioner Randy Johnson and approved by all members present.

(15)

#### CASTLE VALLEY SPECIAL SERVICE DISTRICT - \$1,000,000 GENERAL OBLIGATION BOND -

## RESOLUTION 3-1-95

Castle Valley Special Service District Administrator, Darrel Leamaster reminded the Commission that the voters had passed \$10,000,000 general obligation public purpose bonds. Their purpose in coming before the Commission today is that they have been to the Community Impact Board. Wherein, they have requested a \$1,000,000 loan and a \$1,000,000 grant. Because of the shortage of funds available, the Community Impact Board granted the \$1,000,000 grant and gave them an additional \$200,000 to buy the interest down on a commercial \$1,000,000 loan or bond. Therefore, that is the purpose before the Commission this day.

Kent Minchey, Vice President of Zions First National Bank who is the underwriter, indicated that they are trying to close the sale of the bonds on April 12. They presently have offers to purchase those. They will be purchased at an overall true interest rate of 5.86%.

Mr. Leamaster pointed out that his administrative control board has voted unanimously voted to proceed. Mr. Dale Okerlund, Bond Counsel, reviewed the text of the Bond Resolution and provided copies of the same for review.

Whereupon, motion was made by Commissioner Bevan Wilson to approve Resolution 3-1-95, Authorizing the Issuance and Confirming the Sale of \$1,000,000 in General Obligation Public Purpose Bonds, Series 1995 A, of the Castle Valley Special Service District and other related matters. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(16)

### UPGRADING COUNTY TELEPHONE SYSTEM

Commissioner Randy Johnson reviewed discussions in regards to upgrading the courthouse telephone system. Those discussions having taken place with representatives of Emery Telephone as well as department head and elected officials. The telephone company has made a recommendation, noting that every possible line into the courthouse is full. Therefore, no future expansion is possible, including additional computers and faxes. It also would effect the expansion in Castle Dale. This would be a state of the art system, allowing for transfer between departments and a lease at the present time would be less than the present county costs.

Whereupon, motion was made by Commissioner Randy Johnson to proceed with the upgrading of the courthouse phone system. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

### ACQUISITION, MANAGEMENT AND DISPOSAL OF COUNTY PROPERTY - AMENDMENTS TO

ORDINANCE 5-5-93A

It was the consensus of those present that this matter be given further review with possible consideration more indepth with departments as a group and that this be given further consideration at a later time.

(18)

INCREASING THE EMERY COUNTY ECONOMIC DEVELOPMENT BUDGET

Auditor, Ross Huntington informed the Commission that last year the Association of Governments provided to the Economic Development a \$1500 grant with the funds being intended for use in producing a brochure. However, those funds did not get transferred over to the 1995 Economic Development Special Projects fund. Therefore, it was his request that the Commission authorize the transfer of those funds, increasing the budget by \$1500.

Motion to approve the request was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #79315 through and including #79423 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Description	Amount	Action
19	One Magellan Trailblazer and Two mounting kits - Weed & Mosquito	461.60	Approved
20	1994 GMC Sierra Truck (drug forfeiture) - Sheriff	3,209.00	Approved
21	Nurse call system - Nursing Home	20,682.00	Approved
22	Cabinet, sink, counter top, window and closet - Nursing Home	2,417.00	Approved

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment and requisitions for purchase. Motion was approved by all members present.

A disposition form for the Courthouse Shredder, fixed asset #003827, serial #2902183, was presented for Commission consideration. Motion was made by Commissioner Randy Johnson to dispose of the shredder by crushing. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

## COMMISSION MINUTES

The minutes of the February 15, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the minutes as corrected. Motion was approved by all members present.

(21)

## PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

A) Road Department - Approval is requested by the department to fill the "up to nine-month" positions in the following manner:

Rickie Ewell	Operator	\$8.16/hr.	Effective 3-1-95
Jeanette Leffler	Operator	\$8.16/hr.	Effective 4-3-95
Travis Winn	Mechanic	\$8.16/hr.	Effective 3-1-95
Charles Bentley	Mechanic	\$8.16/hr.	Effective 3-13-95

Mrs. Snowball informed the Commission that approved in the Road Department budget were three "up to nine-month" positions for a total of 27 months of temporary assistance. It is proposed that the full amount of allotted temporary time (27 months) be apportioned among the selected applicants. This proposal will accomplish two goals: maximum use of the allotted temporary time and to remain within the amount of funding budgeted for that purpose.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the hiring of Rickie Ewell, Jeanette Leffler, Travis Winn and Charles Bentley as temporary employees as presented. Motion was approved by all members present.

B) Recreation - Approval is requested to hire Rawlin Daniels as Recreation Complex Caretaker in the "up to nine-month" time period effective March 20, 1995, at a rate of \$7.50 per hour. This will be Rawlin's sixth seasonal/temporary assignment at the Complex.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the hiring of Rawlin Daniels as a temporary employee as presented. Motion was approved by all members present.

C) Library - Jerilyn Mathis has received two resignations at the Green River Library: Janet Keel, Janitor, resignation effective 2-24-95; and Nila Stephens, Assistant Branch Librarian, resignation effective as soon as she can be replaced.

Request is made to begin the recruitment process for these two positions



beginning March 7 and ending March 17.

Further approval is requested to appoint in the "up to 90-days" category an individual to perform janitorial duties from 2-24-95 through 3-21-95 until a janitor can be selected to fill the vacancy left by Janet Keel.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to accept the resignations of Janet Keel and Nila Stephens, to begin the recruitment process to fill the two vacancies and approve the up to 90 day janitor as requested. Motion was approved by all members present. D) Commission Secretary - Commission Chairman Kent Petersen informed those present that the Commission Secretary position will not be vacant and Leslie Bolinder will remain in that position.

(22)

#### COMMISSION REPORTS

The Commission briefly discussed the Community Impact Board and Emery County's application for Targeted Allocation Funds. This is in regards to the Coal Resin Study. Therefore, a request and motion was made by Commissioner Bevan Wilson that they write a letter to the Community Impact Board indicating Commission support of the study. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(23)

#### MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 12:30 p.m.

ComMin3-15-95

#### MINUTES OF THE REGULAR MEETING

#### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

#### HELD IN THE EMERY COUNTY COURTHOUSE

March 15, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

(1)

#### TEL AMERICA

Mr. James K. Forsey, Account Executive for Tel America, addressed the

Commission in regards to providing long distance service. He emphasized that this is for both in and out of state calls. He noted that the rate structure is as follows: \$0.11 per minute billed in six minute increments for western state calls; \$0.13 per minute for midwestern calls and \$0.15 per minute for eastern calls. He discussed the escape clause should the County later decide to leave Tel America. He provided to the Commission packets for their review. The Commission referred this item to Emery County Auditor, Ross Huntington for his review.

(2)

#### MILES MORETTI - DWR UPDATE - PAYMENT IN LIEU OF TAXES CHECK

Mr. Miles Moretti, of the Division of Wildlife Resources, presented to the Commission a check in the amount of \$2,686.61. This is for State-owned properties. It is payment in lieu of taxes at the rate of \$0.50 per acre. He noted that the major portion of those taxes are a result of Pacificorp's transfer of approximately 5,000 acres to the Division of Wildlife Resources.

Mr. Moretti continued with a legislative update. He noted they have combined the big game board and wildlife board into one seven-member board consisting of a member from each administrative area as well as two at-large members. He informed the Commission that previous Commissioner Mark Justice had served on the DWR advisory group. He would like to submit the name of Commissioner Kent Petersen as the elected official to replace Mark Justice. The Commission concurred in that recommendation. Mr. Moretti continued in that the legislature further increased the license fees.

(3)

#### CAROLYN CROFTS - REQUEST FOR ACCEPTANCE OF ROAD INTO CLASS B ROAD SYSTEM

Carolyn Crofts read a letter dated March 6, 1995, from herself and citizens requesting that Road #318 Wilson Brown, which ends at the wood bridge on the Huntington North canal, be extended an additional 2/10ths of a mile and that it be upgraded and included into the County Class B road system. She noted that there is considerable public use as well as additional home sites planned.

Road Superintendent, Rex Funk indicated that the County has done some maintenance over the years, particularly as requested. He noted it would be accepted by the State as a Class B road. The County would need to add gravel. The bridge is sufficient. They would need a better turn-around place at the end. He had no other concerns and recommended the road for consideration so that Ms. Crofts can proceed with obtaining a building permit.

Planning and Zoning Director, Bryant Anderson, in responding to a question,

indicated that since it is the intent of the Commission to add this to the Road system, if this was sufficient for him to issue a building permit. Mr. Anderson responded in that he could proceed if this was the intent and direction of the Commission.

Whereupon, motion was made by Commissioner Randy Johnson to authorize Road Superintendent, Rex Funk to get together with the County Attorney's office and take the necessary steps, following proper procedure to bring the additional 2/10ths of a mile road into the County Class B road system as requested. Commissioner Bevan Wilson indicated that he would like to see an easement and with that would second the motion. Motion was approved by all members present.

(4)

#### BLM - MEMORANDUM OF UNDERSTANDING - BUCKHORN WASH PICTOGRAPH PANEL SITE

Presented to the Commission for their consideration was a memorandum of understanding between the Bureau of Land Management and the Emery County, Utah, Centennial Commission concerning the conservation, restoration and development of the Buckhorn Wash pictograph panel site. This will provide for the design, engineering and funding of the reconstruction, resurfacing and maintenance of the road and parking areas at the panel site. The County Attorney's office and others have reviewed the document.

Therefore, motion was made by Commissioner Randy Johnson to approve and authorize the signing of the memorandum of understanding as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

#### ENERGY WEST - SITE PLAN APPROVAL

Planning and Zoning Director, Bryant Anderson came before the Commission, requesting site plan approval for the tube conveyor discussed in previous Commission meetings as well as a public hearing. This request was made by Energy West. On March 1 the Planning and Zoning reviewed the proposal and recommended site plan approval. Planning and Zoning felt the previous public hearing held by the Commission would serve as a planning and zoning public hearing.

Therefore, motion was made by Commissioner Bevan Wilson to grant the site plan approval as recommended by the Planning and Zoning Board. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

#### EMERY COUNTY PUBLIC LANDS COUNCIL - APPOINTMENTS

Discussed by the Commission were the names of Ira Hatch and Mervin Miles to be appointed to the Emery County Public Lands Council.

Whereupon, motion was made by Commissioner Bevan Wilson to appoint Ira Hatch and Mervin Miles to the Public Lands Council. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

#### ROAD DEPARTMENT BUSINESS

A) Mill Dam Bridge Replacement - Howard Tuttle of Johansen and Tuttle Engineering presented to the Commission a bid summary for a new bridge structure to replace the Mill Dam Bridge at Orangeville. Two bids received were for concrete structures. The third bid from Big R in the amount of \$58,950 for a steel structure. Buehner Concrete submitted a bid of \$40,892 which only included the delivery and a couple of items on the bid proposal. Whereas, Monrock submitted a bid of \$52,420 which included the delivery and placement as well as all items requested.

Mr. Tuttle further discussed in detail the differences in the bids and he recommended the bid be awarded to Monrock.

Whereupon, motion was made by Commissioner Randy Johnson to accept the recommendation of Johansen and Tuttle Engineering and accept the bid proposal from Monrock. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. They also authorized Commission Chairman Kent Petersen to sign the acceptance.

B) Shop Equipment Purchases - Road Superintendent, Rex Funk informed the Commission that Carbon Cate Equipment Company previously located in Price has since closed that business. Prior to that they contacted Mr. Funk about equipment that the County might be interested in purchasing. Mr. Funk having contacted the Commissioners individually proceeded in purchasing equipment which allowed the County to make up their own hydraulic hoses. These are to be included on the requisitions under the Auditor's business.

C) Old Lawrence Highway Phase IV Acceptance - Mr. Funk informed the Commission that the Old Lawrence Highway project Phase IV which is the final phase has been completed in accordance with the approved plans and specifications. The project engineer has certified completion of the same. This project was done under the Emery County Special Service District No. 1 and requested that the Commission approve and accept the completed project.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to acknowledge completion of the old Lawrence

Highway Phase IV and acceptance of the completed project. Motion was approved by all members present.

D) Nielsen Construction - Crushing Gravel for County - Road Superintendent, Rex Funk informed the Commission that Nielsen Construction is working out of the Green River pit for the King Lane project. He felt while Nielsen was in the area it would be prudent for them to crush additional road base for the County. This would be at a cost of \$2.43 per ton. It was noted that the County, in order to do the same would only be able to save about \$0.33 per ton. It was anticipated that 10,000 tons would be crushed (this would do approximately five miles of surface). He noted that he has tried to contact G & O of Green River and would continue to do so to see if they were interested before proceeding with Nielsen Construction, but would like approval.

Whereupon, motion was made by Commissioner Randy Johnson to approve the request of Road Superintendent, Rex Funk to authorize the crushing of road base as indicated. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

E) Horse Canyon Update - Mr. Funk indicated that they are still mitigating the bridge with the city of Los Angeles. He noted that the bridge has a sufficiency rating of 43.4%. The City of Los Angeles has indicated they do not want the bridge to stay in the way of the document transferring ownership of the road to Emery County. However, it was the consensus that the bridge structural issue needs to be decided. Mr. Funk indicated that Mr. Engles will be here on March 22. Therefore, the Commission will take no action at this time.

F) Access to Landfill on Sundays - Commissioner Bevan Wilson noted that there is a demand for access to the landfill on Sundays. He noted that people have dumped garbage outside the gate. Road Superintendent, Rex Funk indicated that they are considering construction of a dump bin for Sunday and after-hour dumping.

Whereupon, motion was made by Commissioner Randy Johnson for Road Superintendent, Rex Funk to proceed to investigate the cost and to come back with a recommendation. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)  
HUNTINGTON LIBRARY PROJECT

Commissioner Randy Johnson informed the Commission that County Librarian Jerilyn Mathis and the Library Board would like to proceed with construction of Huntington Library. He noted that approximately \$725,000 has been placed in a rainy day fund. The interest has accumulated over the years except for

the year 1988. Therefore, there is approximately \$138,000 in interest which could be used for construction of a new library which is estimated to range in cost from approximately \$100,000 to \$115,000 for the structure.

Jerilyn Mathis discussed several sites being considered. She noted that previously the cities have provided the property for the building. The project does have library board support.

Whereupon, motion was made by Commissioner Bevan Wilson to lend support and encourage the Library Board to proceed in determining a location as well as anticipated cost. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

#### CHAMBER OF COMMERCE DIRECTOR SERVING AS EMERY COUNTY FAIR COORDINATOR

Commissioner Randy Johnson reviewed previous discussions wherein consideration had been given to a paid fair chairman. He noted that all the other services have been provided on a volunteer basis. However, the Fair Board was not in support of a paid chairman, but would support an Emery County Fair Coordinator. He noted that this would better access the activities of the Chamber of Commerce as well as coordinating efforts of both groups.

Therefore, it was the recommendation that Linda Jewkes, who serves as the Chamber of Commerce Director serve as the Emery County Fair Coordinator. Chamber of Commerce President Jim Fauver indicated that Ms. Jewkes would fill out a time card showing the time spent both on the Chamber of Commerce and Fair business. It was recommended that she be paid at the same rate as she is receiving from the Chamber of Commerce.

Whereupon, after further discussion, motion was made by Commissioner Randy Johnson to approve the Chamber of Commerce Director Linda Jewkes to serve as the Emery County Fair Coordinator to be paid at the same rate as she is receiving from the Chamber of Commerce. This is to be handled through the Chamber of Commerce who will pay her for fair coordinating time after which once a month the County will reimburse the Chamber for those costs. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

#### SCOUT-A-RAMA T-SHIRT FUNDING REQUEST

Commission Chairman Kent Petersen noted that J.D. Seely of Ferron has requested of the Commission a \$200 donation to purchase T-shirts to hand out

at the scout-a-rama. It was anticipated that the T-shirts be in regards to drug education.

After further discussion, it was the consensus of the Commission to defer any action in regards to this matter for further clarification.

(11)

#### FOREST SERVICE SPECIAL USE PERMIT - HORN MOUNTAIN

Commission Chairman Kent Petersen briefly reviewed the Special Use Permit covering the communication tower located on the east rim of Horn Mountain power line and road. He asked that Electronics Technician Bret Mills review the documents. To which Mr. Mills indicated that it looks okay. Therefore, he presented it to the Commission for their consideration. This is a renewal of the previous agreement.

Whereupon, motion was made by Commissioner Randy Johnson to approve the permit and authorize Commission Chairman Kent Petersen to sign the same. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

#### APPROVAL OF APPLICATION TO SELL ALCOHOLIC BEVERAGES AT WOODSIDE SERVICES

Clerk, Bruce Funk presented to the Commission for their consideration an application from Woodside Services to sell alcoholic beverages. He noted that the application has now been signed by all agencies and it is now before the Commission for final approval.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the application as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

#### UPGRADING COUNTY TELEPHONE SYSTEM

Commissioner Randy Johnson noted that in the previous Commission meeting, approval had been given to upgrade the County telephone system. Therefore, it was his recommendation that the County proceed on the 60 unit lease option.

(14)

#### AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #79590 through and including #79742 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Description	Amount	Action
23	Sharp Video Camera - Planning & Zoning	932.70	Approved
24	Air Quip Hydraulic Crimper - Road	3,000.00	Approved
25	Air Quip Sciver Set - Road	500.00	Approved

Whereupon, motion was made by Commissioner Bevan Wilson to approve all warrants for payments and requisitions for purchase. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

#### COMMISSION MINUTES

The minutes of the March 1, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

(16)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Recorder - It is proposed that the "less than 20 hour per week" position which Dawnette Tuttle Currently occupies be expanded to a 3/4 time position. This would make Dawnette eligible for prorated benefits. She would remain a Grade 4, Step A at \$7.21 per hour and this would be effective retroactively to March 1, 1995. This request is made due to the increased work load in the Recorder's office.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the increase in time for Dawnette Tuttle to a 3/4 time position as presented. Motion was approved by all members present.

B) Road - It is proposed that the 3/4 time position which Lynda Smith currently occupies be expanded to a full-time position. This would make Lynda eligible for full benefits. She would remain at a Grade 5, Step C at \$7.84 per hour and this would be effective March 16, 1995.



Further, request is made to approve beginning the recruitment process for the following: Two landfill "screeners" (helpers) for "up to nine months" at \$7.83 per hour. Each would work 20 hours per week. Also, one clerical worker for "up to nine months" at \$5.00 per hour.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the increase in time for Lynda Smith to a full time position and also to begin the recruitment process for two temporary landfill screeners and one temporary clerical worker as requested. Motion was approved by all members present.

C) Sheriff - Request is made to approve beginning the recruitment process to hire a Dispatcher I, Grade 10, Step A at \$9.66 per hour. This is replacement of an officer position which had been previously held by Lyle Snow. The Commission discussed the possibility and need to provide further funding for the hiring of this individual.

Therefore, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to begin the recruitment process for a Dispatcher in the Sheriff's office as requested. Motion was approved by all members present.

(17)

#### COMMISSIONER'S REPORTS

Commissioner Bevan Wilson:

1. He informed the Commission that Dan Hunter who has served as Chairman of the Travel Council has resigned. The Travel Council would like to proceed with the replacement. He noted that there are no by-laws, charters or procedures in place. Therefore, it was his request to allow the Travel Council to screen and submit names to the Commission for consideration.
2. He noted that the County had committed to repair facilities at the Huntington Airport. He noted that the FAA has been down and checked on the gas equipment and found it to be the wrong type of piping. Galvanized piping instead of black piping was used as well as the need for approved hoses. He has received a bid of \$1,715 from Mr. Van Wagoner for those repairs. He discussed electrical wiring problems to which he had receiving a bid of \$550 with an anticipated \$100 to \$200 more for breaker boxes and conduit. He also discussed the roof, runway lights and other problems. He anticipated a total expenditure of approximately \$3,000.

Whereupon, motion was made by Commissioner Randy Johnson and seconded

by Commissioner Bevan Wilson to proceed with the necessary repairs as discussed. Motion was approved by all members present.

Commissioner Kent Petersen:

1. He informed the Commission that the final wilderness meeting is set for March 22, 1995, at 6:00 p.m. They will try and have a preliminary report and recommendation for public consideration.

(18)

MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 8:32 p.m.

ComMin4-5-95

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

April 5, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:04 a.m.

(1)

BID OPENING - BUCKHORN PETROGLYPH PANEL PROJECT

At this time, Commission Chairman Kent Petersen asked the Clerk to read aloud the bids received on the Buckhorn Petroglyph Panel Project, project #33209. The Clerk informed the Commission two bids were received, which he opened. The first bid was from Sinbad Construction in the amount of \$59,474. The second bid was from Nielsen Construction in the amount of \$63,665. A bond in the form of a cashier's check was provided by Sinbad Construction and a bid bond was also noted from Nielsen Construction.

Whereupon, motion was made by Commissioner Randy Johnson, subject to engineering review, that Emery County recognize Sinbad Construction as the low bidder in the amount of \$59,474 and authorize the notice of award subject to engineering approval, authorizing Commission Chairman Kent Petersen to sign any additional documentation in order to expedite the project. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(All documents and bid bonds were turned over to Howard Tuttle of Johansen and Tuttle Engineering for review.)

(2)

#### BLM - LAND FOR RECREATIONAL USE

Les Thompson of the Emery County Sheriff's Posse came before the Commission in regards to 160 acres located south of Clawson. Which, in the latter part of 1960 or early 1970's was made into a motorcycle track which the posse uses as a fund raiser. The County entered into a 25 year lease on this property with the BLM. That lease is up August 1, 1995. The BLM, according to Mr. Thompson, has indicated a willingness to deed the property to the County provided the County prepares the necessary patenting papers. Mr. Thompson's concern is that should the lease lapse, because of environmental issues, etc., that the County may not be able to obtain the ground in the future. He further indicated that Craig Funk of Ferron, who is a posse member, is willing to help with the project. The CARE committee expressed an interest to the posse in pursuing the track as a recreational type area.

After further discussion, it was the consensus of the Commission that the County proceed in obtaining a patent on the 160 acres located south of Clawson. The Commission also so directed Neal Simmons of the BLM to procure a copy of the present lease agreement on that property and provide it to the County.

(3)

#### EMERY COUNTY FAIR UPDATE

Sharon Earl, Emery County Fair Chairman, came before the Commission and inquired as to whether they would be receptive to opening the rodeo queen contest to Emery County residents only. She reviewed past problems where the royalty was chosen from other areas. They were then unavailable to participate in County activities to represent the County. Last year they were required to sign a contract requiring their availability on specified dates. As a result, it ended up basically being Emery County girls in the contest. She further noted in the amateur rodeo which the County Fair rodeo is, it is typically closed to outside the area queen contestants. However, she would like a definite Commission action in regards to this matter.

Whereupon, motion was made by Commissioner Randy Johnson to approve the request of the Fair Board in that the Rodeo Queen Contest be open to Emery County residents only. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Mrs. Earl further outlined the dates of the Fair, being from July 26 through July 29. The next week activities would be the Centennial Celebration. The

Commission expressed appreciation to Mrs. Earl and her efforts as well as to the Fair Board.

(4)

#### EMERY COUNTY WILDERNESS PROPOSAL - RESOLUTION 4-5-95A

Commission Chairman Kent Petersen noted that the Commission is involved in the final few days of participation on the wilderness proposal. Wherein, Emery County proposes to protect 513,200 acres for its wild and scenic values. This includes 184,000 acres of wilderness, 84,900 acres of primitive and 244,300 acres of semi-primitive as prepared by the public lands council.

Therefore, he presented Resolution 4-5-95A. Wherein, said Resolution adopts the Emery County wilderness proposal as prepared by the public lands council as the official recommendations for Emery County.

Commissioner Randy Johnson expressed appreciation to the Lands Committee in their preparation of the wilderness proposal and the involvement of the citizens of Emery County. He noted that they have come to the meetings well informed and have greatly contributed to the proposal.

Therefore, it was Commissioner Randy Johnson's motion to adopt Resolution 4-5-95A as presented. Commissioner Bevan Wilson before seconding the motion noted that what is seen here has been in the process for over 10 years. It ultimately comes back to the people's request that there be no wilderness. Therefore, no wilderness is his first and preferred choice. Preservation and management under the present land management policies of the BLM and others is sufficient that this remain his preferred option. Therefore, only as a second option, he would second the motion. The Commission further concluded that the proposals address all of the present and future impact to the area and that there is no need for future wilderness consideration. Whereupon, motion was approved by all members present.

(5)

#### BUSINESS LICENSE APPROVALS

Clerk, Bruce C. Funk presented the following applications for business licenses, having been approved by Planning and Zoning Director, Bryant Anderson, for Commission approval:

A) Ty Jensen, Ty's Cabinets, doing business in Cleveland, Utah, as a cabinet making and furniture manufacturing business.

B) Clark Stokes, Buckhorn Wildlife, doing business in Lawrence, Utah, as a taxidermy, outfitting and guiding business.

Whereupon, motion was made by Commissioner Bevan Wilson to approve both applications as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

#### BEAR CANYON CAMPGROUND MAINTENANCE CONTRACT

Commissioner Randy Johnson indicated that the Commission needed to finalize their action in regards to the Bear Canyon Campground Maintenance Contract. It was his recommendation that the County either hire someone on an hourly basis or that consideration be given to advertising it on a contract basis. He noted he has had inquiries for the position.

It was further noted by the Commission that the previous contractor, Allen Jorgensen, who had agreed to provide a description of the duties has not done so. Therefore, after further discussion, motion was made by Commissioner Bevan Wilson to advertise the contract position of a Bear Canyon Campground Maintenance Caretaker. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

#### EMERY COUNTY TRAVEL COUNCIL BOARD APPOINTMENTS

Commissioner Bevan Wilson informed the Commission that two people have resigned positions on the Emery County Travel Council. Those being Dan Hunter and Jorma Johnson. In addition, there are still vacant seats on the council. The Council has met and it is their recommendation that Ron Prettyman be appointed to represent the Elmo-Cleveland area, Rue Ware from the Orangeville area, Warne Linton from Huntington and Gary Stevens as representative from the Chamber of Commerce.

Whereupon, motion was made by Commissioner Bevan Wilson to appoint those members as recommended by the Emery County Travel Council to their Board and that the Commission further write letters of appreciation to Dan Hunter and Jorma Johnson for the many years of service that they have rendered while serving on the Travel Council. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

#### CASTLE COUNTRY TRAVEL COUNCIL BOARD APPOINTMENTS

Commissioner Bevan Wilson indicated that he and others have met with representatives from Carbon County in regards to continuance of the Castle Country Travel Council. It was the consensus of those involved that they keep the

Castle Country Travel Council intact in order to be eligible for grant monies. Those monies presently in the Castle Country Travel Council fund remain there and be expended upon mutually agreed upon projects. That they reorganize the board with four members from each County. Those recommended from Emery County and submitted by the Emery County Travel Council are Valerie Newland from Green River, Economic Development Director Rosann Fillmore, Ron Prettyman from Cleveland and Bevan Wilson as a Commissioner representative.

Whereupon, motion was made by Commissioner Randy Johnson to approve the recommendations as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

#### ROAD DEPARTMENT BUSINESS

A) Lending Road Equipment to Communities - Road Superintendent, Rex Funk informed the Commission of the increased number of requests from communities and other federal agencies for the use of County equipment. He outlined problems and damage which occurred on equipment left at the Green River Golf Course. He noted that many times operators are not qualified. It was his recommendation that equipment be removed immediately upon completion of the approved work and that Emery County keep their own operators on the equipment. The Commission concurred with Mr. Funk's recommendations.

B) Road Project Acceptance - Mr. Funk further informed the Commission that the project which involved the removal of large rock as a result of a slide in the Cottonwood Canyon area and repairs made as an emergency project, project #50611 has now been completed. Therefore, it was his recommendation that the Commission accept and approve the project. Motion to that effect was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

It was further noted that shrinkage as a result of the work being done in the winter will be repaired as soon as mix is available to be completed by the Road Department.

C) Muddy Lane Project Addendum to the Emery County Special Service District No. 1 of the Molen Hill Project - Mr. Funk informed the Commission of a project in which the Emery County Special Service District No. 1 is doing in regards to work on the Molen road in reducing the elevation of the hill. He noted there is an adjacent lane which represents a significant problem which would require some over excavation. It was his recommendation that this be included with the work being done by the Emery County Special Service District No. 1. Motion to that effect was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson. Motion was approved by all members

present.

D) Request for Water Truck - Commission Chairman Kent Petersen briefly reviewed a request from Ferron City for a water truck which the County owns for use at the Ferron Race Track. Commissioner Bevan Wilson noted that part of the understanding with Ferron City and the Racing Association is that the truck would be donated once it is brought up to a usable condition. After which Ferron would maintain the truck. Mr. Funk indicated that he would try to locate components to do that. It was also noted that the truck is used there during County Fair activities. Whereupon, motion was made by Commissioner Bevan Wilson to approve the transfer of the Water Truck to Ferron City once it is brought up to a reasonable condition. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

E) Switchbacks West of Joe's Valley - Mr. Funk, together with Howard Tuttle of Johansen and Tuttle Engineering advised the Commission of a deteriorating condition on a portion of the switchbacks west of Joe's Valley. It was further noted that these are actually located in Sanpete County, but were completed on a project in which Emery County participated a couple of years ago. There is a large crack approximately 18 inches wide and 18 inches deep which runs approximately 250 feet along the edge. It represents a hazard to travelers. The problem is caused due to a spring saturating the fill. It was first noted last year. It was proposed that the County make the necessary effort to trap the water before it reaches the embankment. Mr. Funk noted that the County basically maintains this particular site of the hill and he would contact Sanpete County and see if there was any assistance they could render. The anticipated cost would be approximately \$20,000 to \$25,000.

After further discussion, motion was made by Commissioner Bevan Wilson to authorize Road Superintendent, Rex Funk and Commissioner Petersen to enter into an interlocal agreement with Sanpete County and to authorize the project and that they use their discretion on how to proceed and if it should be so done under emergency consideration. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

#### TREASURER'S BUSINESS

A) Rural Child Development - Head Start - Treasurer, JoAnn Behling informed the Commission that Rural Child Development (Head Start) have informed her they are a federally funded non-profit organization and as such are tax exempt. She noted that the Auditor's office has sent them a tax exempt applications. However, they have indicated that they should not be required to fill it out as such an organization. After discussion, it was the consensus of the commission that their consideration for tax abatement would only be considered after receipt of the tax exempt form to be considered at the next

Commission meeting.

B) Leona Lynn Property - Mrs. Behling informed the Commission that Mrs. Lynn has assumed that taxes were being paid by Fleet Mortgage Company who had originally requested the tax notices but has since indicated that they would not be paying for those. Therefore, the taxes due were overlooked. Her request of the Commission is consideration in adjusting the penalties and interest which amount to \$70 which are up through the end of October. She has presently been making payments on the 1995 taxes.

Whereupon, motion was made by Commissioner Bevan Wilson to approve and abate the penalties and interest up to \$70. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

C) Tax Deferral - Dale Black Property - Mrs. Behling informed the Commission that this is a standard procedure allowing the property owner to make arrangements to pay all outstanding taxes including the 1995 which must be paid by the end of November 1995, allowing the property owner a last chance to redeem the properties before tax sale. Whereupon, motion was made by Commissioner Bevan Wilson to approve the request for tax deferral as requested. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

#### DISCUSSION OF COURTHOUSE CARPET

It was noted that approximately \$10,000 remain in the budget for carpeting the courthouse. It was the consensus of the Commission that possibly the lower portion of the courthouse could be looked into for recarpeting. It was recommended that Commissioner Kent Petersen, who is over the courthouse, together with Auditor, Ross Huntington, Clerk, Bruce C. Funk, and either the recorder or treasurer form a group to determine the quality and color and type of carpet and bring back to the Commission a recommendation.

(12)

#### UTAH WILDERNESS EDUCATION PROJECT

The Commission reviewed a letter received from the Utah Association of Counties Land Board signed by Ty Lewis, President. Wherein, they are soliciting funds for a Utah Wilderness Education Project. This through the Utah Association of Counties. They are trying to raise \$10,000 to \$15,000. Therefore, motion was made by Commissioner Bevan Wilson to donate \$500 to the Utah Wilderness Education Project, in care of the Utah Association of Counties as Emery county's contribution in the education effort. Motion was seconded by Commissioner Randy Johnson and approved by all members present.



(13)

#### GEORGE ALBERT PETTY - PEAK RECOGNITION

Received by letter from Ronald Petty, a descendent of George Albert Petty, was a request to name a peak in the Ferron Reservoir area to honor George Albert Petty who had some influence in the establishment of Southern Utah, Ferron, and Ferron Reservoir. They would like to name a peak in his name. The criteria in making such a proposal is that peaks being considered have not previously been named and that they are not known by any other local name. Therefore, enclosed a U.S. Geological survey map indicating the peaks that they are interested in. However, upon review by the Commission, it appeared that both locations were in Sanpete County. After further discussion, it was the recommendation of those present that this be referred to the Emery County Historical Society to review and make a recommendation back to the Commission. Therefore, a copy of the letter was given to JoAnn Behling at this time.

(14)

#### RACE TRACK AND ARENA IMPROVEMENTS

Commissioner Bevan Wilson, on behalf of the Emery County Racing Association pointed out that in the budget adopted by the Commission that there were funds to make improvements at the Huntington and Ferron race tracks. Ferron has been somewhat the official race track of Emery County. He noted that rocks are working their way up and it does not provide sufficient cushion for the horses. The Huntington track has primarily been used for training and conditioning. Material would be brought in and spread on the tracks. It was hoped that the County Road Department would provide a grader for spreading the material. Anticipated cost and budgeted funds were \$40,000. He further asked the Commission to appoint the Emery County Racing Association as the project managers for the improvements and allow them to proceed with the improvements as early as possible.

Commission Chairman Kent Petersen inquired if there was a plan. Commissioner Wilson indicated that such a plan was presented during the budget process.

Whereupon, motion was made by Commissioner Randy Johnson to authorize the work to begin on the race tracks, appointing Commissioner Wilson to be the Commission appointed representative to oversee the project. This is to proceed as requested. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

#### BUDGET ADJUSTMENTS

Auditor, Ross Huntington reviewed with the Commission the fund 44 budget and

fund 45 budget which inadvertently had been omitted. However, he did point out that according to the Treasurer's records, \$25,135 in the general fund remain allocated to fund 45 used for capitol replacement projects. However, it would require a resolution and other action to use funds in that amount. It was determined that a Resolution be prepared by the County Attorney's office to transfer \$25,000 to a special fund for capital replacement projects. The County Attorney's office was directed to do so by motion of Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson. Motion was approved by all members present.

The funds are to come from the Road Department building which is anticipated would not be using all of the budgeted funds this year.

(16)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #80004 through and including #80152 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Description	Amount	Action
26	GE Mobile Radio - Ferron Ambulance	1,773.00	Approved
27	Two five-drawer file cabinets - Treasurer	1,338.00	Approved
28	Computer with CD rom, printer and back-up tape - Recorder	2,772.60	Approved
29	1995 Ford Ranger Pickup - Weed & Mosquito	15,097.00	Approved
30	Line printer - Data Processing	15,000.00	Approved

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve all warrants for payment and requisitions for purchase. Motion was approved by all members present.

Presented to the Commission for their consideration was the disposition form to dispose of the concession stand presently located at the Millsite State Park. This request was made by the Economic Development who recommended that it be sold to one of the cities or other governmental agency. Anticipated response was to have been given to Economic Development by March 27. However, motion was made by Commissioner Bevan Wilson to ratify and approve the

disposition of the concession stand by the Economic Development Council as requested. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)

#### COMMISSION MINUTES

Motion to approve the minutes of the March 15, 1995, Commission meeting was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson. Motion was approved by all members present.

(18)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

A) Library - Mrs. Snowball requested approval to hire Sharee Sepulveda as Assistant Branch Librarian in Green River. This is a part-time position, less than 20 hours per week with not benefits at the rate of \$6.00 per hour beginning March 23, 1995.

She further requested approval to hire Norma Vincent as Janitor at the Green River Library, to work 10 hours per week with no benefits at the rate of \$4.25 per hour effective March 25, 1995.

B) Fast Food Workers - Huntington State Park - Mrs. Snowball requested approval to hire in the "up to nine month" capacity Marissa Cox who worked as a supervisor last year. She began working on an "as needed" basis March 24, 1995, and will continue until the season starts. Her rate of pay is \$5.00 per hour.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to hire Sharee Sepulveda, Norma Vincent and Marissa Cox as requested. Motion was approved by all members present.

C) Sheriff's Office - Communications - Mrs. Snowball requested approval to hire Jeremiah Johnson in the "up to nine month" capacity assisting Bret Mills. This will be effective April 17, 1995, at the rate of \$7.00 per hour. This will be Jeremiah's third season with the County.

Commissioner Randy Johnson informed those present that Jeremiah Johnson is his son and he would step aside while the Commission considered this matter. Questions were raised as to whether this should be \$5.00 or \$7.00 per hour. It was the consensus of the Commission, in light of the duties and responsi-

bilities, that it be set at \$7.00 per hour.

Whereupon, motion was made by Commissioner Bevan Wilson to hire Jeremiah Johnson as requested. Motion was seconded by Commission Chairman Kent Petersen. Commissioner Randy Johnson abstained. Whereupon, motion was approved by all members present.

(19)

#### COMMISSIONERS REPORTS

There were none.

(20)

#### EXECUTIVE SESSION

Motion was made by Commissioner Bevan Wilson to adjourn into Executive Session at 11:17 a.m. Motion was seconded by Commissioner Randy Johnson and approved by all members present. Those present during Executive Session were: Commissioners Kent Petersen, Bevan Wilson and Randy Johnson; County Attorney, David Blackwell; Clerk, Bruce C. Funk; Assessor, James Fauver; and Auditor, Ross Huntington. Discussed were matters of possible litigation.

The regular Commission meeting reconvened at 11:20 a.m.

(21)

#### TCI CABLEVISION

Motion was made by Commissioner Randy Johnson to approve the request of Assessor, James Fauver that either through the Attorney's office or on Commission letterhead, information be requested from TCI Cablevision in regards to their assets. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(22)

#### MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 11:21 a.m.

ComMin4-19-95

#### MINUTES OF THE REGULAR MEETING

#### OF THE BOARD OF EMERY COUNTY COMMISSIONERS

#### HELD IN THE EMERY COUNTY COURTHOUSE

April 19, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

(1)

#### PUBLIC HEARING - ENERGY WEST RILDA CANYON SITE PLAN

Commission Chairman Kent Petersen at this time opened the meeting to receive public comment on the Energy West's Rilda Canyon Site Plan. Planning and Zoning Director, Bryant Anderson outlined the project. He noted it has approximately 1400 feet of road beyond the existing Rilda Canyon road. It would consist of a gate which would allow horse, animal and foot traffic only, no vehicles. It would also end with the installation of a utility pad. Mr. Anderson noted that they have paid the \$500 site plan approval fee. The State has approved the water diversion. The Zoning staff has approved this, noting it is now ready for public comment. Therefore, Commission Chairman Kent Petersen inquired if there were any public comment.

Commissioner Bevan Wilson noted that last fall before working on the lower portion of the road that Energy West met with the Cattlemen, Forest Service, the Irrigation company and others and have basically worked out all of the problems.

Auditor, Ross Huntington inquired as an avid hunter if hunters would have access beyond that area.

Val Payne, from Energy West, indicated that there would be limited access through the left fork to foot and animal traffic only. Vehicle traffic would be restricted at that point. The only vehicle traffic allowed beyond there would be strictly for maintenance purposes of Energy West. Vehicles would have to park at the gate.

The Commission inquired if there were other comments or concerns. There being none, closed the public hearing at 6:11 p.m.

(2)

#### BID OPENING - LAWRENCE CURVE PROJECT

Received were two bids for the Lawrence-Cleveland Curve Project. Clerk, Bruce C. Funk was directed to open those bids. The first bid being from Nielsen Construction, noting there was a bid bond attached. The bid for the project was \$148,267. The second bid being from Minchey Digging, a bid bond was

attached in the bid amount of \$191,149.32. The engineers estimate for the project was \$169,200.

Whereupon, motion was made by Commissioner Randy Johnson to recognize Nielsen Construction as the apparent low bidder and approve the awarding of the bid pending final review by Johansen and Tuttle Engineering and authorize Commission Chairman Kent Petersen to sign the notice of award and any other documents in order to expedite the project. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

#### BID OPENING - EPHRAIM SWITCHBACK EMERGENCY ROAD PROJECT

Howard Tuttle, from Johansen and Tuttle Engineering noted that previously at 2:00 p.m. today a bid opening was held on the Ephraim Switchback Emergency Road Project. The engineer's estimate for that project was \$35,200. Bids received were from Minchey Digging in the amount of \$27,765 and Nielsen Construction in the amount of \$34,050.

Mr. Tuttle indicated he has reviewed the bid with Minchey who indicates they are comfortable and can do the work. Therefore, he recommended that the Commission award the project to Minchey Digging. He further noted that he and Road Superintendent, Rex Funk have recently again visited the site. It has now opened up to approximately 4 feet wide by 300 feet long. He noted the urgency in completing the project and that recent storms have only increased the moisture and aided the lubrication of the slippage. They would close the road to traffic until the project is completed.

Whereupon, motion was made by Commissioner Bevan Wilson to award the bid on the Ephraim Switchback Emergency Road Project to Minchey Digging on the condition that they are able to complete the project as indicated to Mr. Tuttle. Also, that Commission Chairman Kent Petersen be authorized to sign the Notice of Award upon review and any other additional paper work in order to expedite the project. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Road Superintendent, Rex Funk noted that he has contacted Sanpete County Commission. They have agreed to a 50/50 cost split. Sanpete's Commission will be meeting with the Emery County Commission to discuss this matter further.

(4)

#### APPROVAL OF RILDA CANYON SITE PLAN

A public hearing having been held at the beginning of this Commission meeting, motion was made by Commissioner Bevan Wilson to grant approval of the Energy West's Rilda Canyon Site Plan as proposed. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

#### UPDATE ON BLM ACTIVITIES

Penny Dunn, from the BLM, informed the Commission that her staff patrolled the desert Friday, Saturday, Sunday and part of Monday of Easter weekend. She noted that the numbers were down this year because of the poor weather. However, they found people Eastering in areas not usually impacted. She noted the need to further educate them on the BLM restrictions, particularly in regards to off-highway vehicles.

She indicated the Eco Challenge starts next week. They will patrol that and make a report of the impact on the BLM lands. She further noted in regards to the habitat management plan that no decision is coming soon. They are working with the committee. May 13 is the Take Pride in Utah Day. They are looking for local volunteers of about 30 people in each group. One group to do a tree planting project at Millsite. Another group to work on the Buckhorn Panel area. She noted a mini-boom in mineral activities. They have approved seven methane/gas wells. There has been over-utilization in the southern livestock allotments due to too many animals and too little water. Recent storms may improve that. She has reviewed and visited with Howard Tuttle and Rex Funk the Buckhorn Panel project. Work is to begin in the near future on that.

Commissioner Bevan Wilson further inquired about the motorcycle race track south of Clawson in that representatives from the Sheriff's department, Craig Funk and himself would like to meet with the BLM to proceed with renewing that lease or a patent on the property.

(6)

#### TREASURER'S BUSINESS

Treasurer, JoAnn Behling presented the following:

A) Tax Deferral for Danny and Donna Taylor of Ferron - She noted that this is similar to what had been done in the past in which they have requested a tax deferral until November 30. They are presently making payments. Motion to approve this was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

B) Tax Abatement for The Rural Child Development also known as Head Start - She indicated in 1995 they qualified for tax exemption. The question was raised as to the their 1994 taxes in the amount of \$256.91. After further

discussion, motion was made by Commissioner Randy Johnson to abate the 1994 taxes in the amount of \$256.91. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

#### BUSINESS LICENSE APPROVAL

Clerk, Bruce C. Funk requested approval of a business license application for Tammy Funk doing business as Tammy's Creative Cuts located at 1995 North Highway 155 in Cleveland. He indicate this has been approved by Planning and Zoning Director, Bryant Anderson. Whereupon, motion was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

#### REQUEST FOR DONATION TO EMERY YOUTH FOOTBALL

Noted was a letter received from the Emery Youth Football. Wherein, they have indicated approximately 100 boys are involved in Emery Youth Football. Uniforms cost approximately \$175 per player. They are requesting assistance from the County. It was noted they did not make a request at budget time. However, Auditor, Ross Huntington noted that last year the Commission gave \$2,500 from the Recreation department. Therefore, it was the consensus of the Commission that this be referred to a future Commission meeting and a determination be made if those funds are again available in the recreation department.

(9)

#### FOREST SERVICE LAW ENFORCEMENT CONTRACT

County Attorney, David Blackwell noted that he has reviewed the proposed law enforcement contract between Emery County and the Forest Service. He indicated it has now been modified. The Sheriff has also reviewed it and finds it satisfactory. Commissioner Randy Johnson noted that in the past that the Sheriff has been able to fill that responsibility with volunteers from the Jeep posse and off-duty officers. However, the new agreement requires a marked car and uniformed officer. Therefore, this may require payment of overtime to Sheriff's Deputies in order to accomplish this. Most officer's times will be required on weekends and holidays.

Commissioner Bevan Wilson noted the importance to keep the County law enforcement involved in these agencies.

Whereupon, motion was made by Commissioner Randy Johnson to approve the law enforcement contract between the Forest Service and Emery County. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.



(10)

#### EMERY WATER CONSERVANCY DISTRICT BOARD APPOINTMENTS

By letter the Commission was informed that there exists two vacancies on the Emery Water Conservancy District Board. The Board recommended the reappointment of Oral Eugene Johansen from the Cottonwood Creek Irrigation Company and Tracy Behling from the Ferron Canal Company. Motion was made by Commissioner Bevan Wilson to approve the appointment of Oral Eugene Johansen and Tracy Behling as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

#### ROAD DEPARTMENT BUSINESS

A) Project Acceptance for Dinosaur Quarry Dugway Project - Road #216, Project #21611 - Road Superintendent, Rex Funk indicated this project has been completed in accordance with approved plans and specifications. Whereupon, motion was made by Commissioner Bevan Wilson to approve the Dinosaur Quarry Dugway Project as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Howard Tuttle from Johansen and Tuttle Engineering indicated that he would provide the "as built" drawings expeditiously to the Road Department.

B) Approval to Bid Work at the Landfill - Road Superintendent, Rex Funk reviewed with the Commission the proposed five-acre cell at the Emery County Landfill as designed by Tahoma. He noted he has been informed by the State that this would increase the financial responsibility placed upon the County which would be significant for that size of a cell. He noted that a .8 or 8/10ths acre pit requires a financial responsibility of approximately \$130,000. Therefore, he has gone back to the engineers for a 2.5 acre and that financial responsibility will be established by the State upon application by the County. He noted the need for larger equipment to complete the excavation and that the present permit hinges on a larger site. Johansen and Tuttle anticipates costs for excavation at \$43,750. There is also a need to place an approximate three-foot clay liner on the floor and sides which would be approximately another \$30,000. However, Tahoma indicates there may be no need for a liner in the bottom because of the mancos shale. Therefore, in order to satisfy the State that there is no ground water, they will have to drill 500 feet to satisfy them. Therefore, it is his request of the Commission for authorization to proceed with the drilling of the hole. This with DNH at a cost of \$4,125, assuming that there is no need to case based on recommendation by Tahoma. Then to proceed with the excavation and liner on the site as may be determined.

Whereupon, motion was made by Commissioner Bevan Wilson to authorize Road

Superintendent, Rex Funk to proceed as indicated. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Road Superintendent, Rex Funk indicated that he would pull funding from other line items within his budgets.

C) Request for Mobile Office - Road Superintendent, Rex Funk indicated the need for a mobile-type office to be located at the landfill. He noted that the existing structure was designed as a garage and does not facilitate or easily accommodate or use as an office. An office needs to be located where the incoming traffic can be monitored. It can be easily heated and maintained. His request of the Commission is only for authorization to begin looking for such an office.

It was noted that the concession stand previously discussed by the Commission has already been disposed of. Therefore, motion was made by Commissioner Bevan Wilson to authorize Road Superintendent, Rex Funk to look for suitable structures and bring back to the Commission a recommendation. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

#### AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #80355 through and including #80565 for payment.

The following requisitions were presented for Commission consideration:

Req. #	Description	Amount	Action
31	Epson Computer Printer - Nursing Home	532.00	Approved
32	Canon Photocopy Machine - Nursing Home	6,357.53	Approved
33	Food Processor - Nursing Home	1,100.00	Approved
34	Toaster - Nursing Home	618.00	Approved
35	Microphone Stand - Nursing Home	659.00	Approved
36	Signage for Resident Rooms - Nursing Home	1,256.00	Approved
37	Dryer Replacement -		

Nursing Home 2,239.00 Approved

38 Okidata Fax Machine - Clerk 1,519.00 Approved

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment the requisitions for purchase. Motion was approved by all members present.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the disposition forms as presented. Motion was approved by all members present.

(13)

#### PETTY PEAK

The Commission inquired of JoAnn Behling, who is a member of the Historical Society Committee, of any consideration being given to naming a peak in Ferron after George Petty. This having been discussed in the previous Commission meeting and referred to the historical society. She indicated that the Historical Society was in favor and that the Forest Service has also approved it. They would send a letter to the Petty's and also recommended that the Commission indicate that they are also in favor of a peak being designated in the name of George Petty.

(14)

#### COMMISSION MINUTES

The minutes of the April 5, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson to approve the minutes as corrected. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

#### PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Justice Court - Sharon Wickman will be the first employee to benefit from the automatic wage increase policy implemented in February 1994. She will go from Grade 4, Step C or \$7.53 per hour to Grade 7, Step B or \$8.34 per hour, a difference of .81 cents per hour.

B) Emery Library - Janitor Pamela Adams has submitted her resignation effective April 21, 1995. Mrs. Snowball requested approval to recruit to fill her position. The wage is \$4.25 per hour.

C) Huntington Library - Assistant Librarian, Cathy Cowley has submitted her resignation effective the end of May. Mrs. Snowball requested approval to recruit to fill her position. The wage is \$6.00 per hour.

D) Ferron Library - Jane Rasmussen has been working temporarily while the Branch Librarian has been recuperating from surgery. Her return to work will not occur until approximately the second week of June. Further health concerns affecting the staff will cause the library an additional shortage of help. Because of this, it is requested that the temporary assignment of Mrs. Rasmussen be extended until June 30, 1995, which will enable the regular staff to return.

E) Landfill - Request is made to hire two half-time, temporary "up to nine month" landfill attendants, Jim Williams and Anthony Deto, at the rate of \$7.83 per hour. Mr. Williams will begin Friday, April 21, and Mr. Deto will begin Friday, May 5.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the personnel actions for Sharon Wickman, Jane Rasmussen, Jim Williams and Anthony Deto and the resignations of Pamela Adams and Cathy Cowley and also approval to begin the recruitment process for a janitor at the Emery Library and Assistant Librarian at the Huntington Library. Motion was approved by all members present.

(16)

#### COUNTY HEALTH INSURANCE

Personnel Director, Pat Snowball in her memo addressed concerns in the health fund. Wherein, the fund is being depleted faster than monies are being put into the fund.

Auditor, Ross Huntington provided to the Commission a report on the health fund of Emery County. He indicated that the original intent was to keep the fund at \$300,000. At the end of February the fund has dropped down to \$164,000. He noted that there is a need to plug up some of the holes in the program. For an employee with a family, the County is putting into the fund \$466.14. The premiums are costing us \$555.44 or a net loss to the fund of \$89.30 per month. On a single employee, the contribution to the fund is \$184.74. The premium cost is \$208.73 or a net loss of \$23.99. The total fund is being depleted at the rate of \$13,820.98 per month. Those monthly depletion costs from each group are as follows: Emery County Employees \$9,938.60; Emery County Nursing Home \$775.70; Castle Valley Special Service District \$1,011.19; Emery Water Conservancy District \$178.60; COBRA \$7161.71; Courthouse Maintenance \$555.44; Housing Authority \$89.30; Public Defender

\$555.44 for a total of \$13,820.98.

It was Commissioner Bevan Wilson's recommendation and the Commission concurred in that those other agencies are also responsible for their proportionate share to bring the fund up to the established \$300,000.

Therefore, after further consideration, it was the motion of Commissioner Randy Johnson to establish an Ad Hoc committee to study the internal service fund and also the study other insurance options. The committee is to be made up of Auditor, Ross Huntington; Treasurer, JoAnn Behling; Insurance Director, Pat Snowball to do a thorough investigation and bring a recommendation back to the Commission. That those employees and agencies and persons under COBRA be brought up to date with proper notification. Commissioner Bevan Wilson in seconding the motion indicated that those entities be responsible to bring up their proportionate amount of the deficit in the fund as originally established and that such an effort include the collection of outstanding amounts. Motion was approved by all members present.

(17)

#### COMMISSION REPORTS

Commissioner Bevan Wilson:

1. He indicated he has received a complaint from a miner's wife in regards to the mining memorial monument located in front of the courthouse. It appears the County is responsible for the day to day maintenance of the monument. However, in discussing it with others there may be some preference in allowing it to continue into a more rustic appearance. It was recommended that a committee on behalf of the survivors, Emery Mining and the union meet together with Mr. Gary Prazen who cast the monument meet together and come up with a recommendation.

(18)

#### OTHER BUSINESS

Clerk, Bruce C. Funk presented the State Corrections Space Agreement. He noted this was approved last year. They are just now getting the documents to us. He noted the need to bill State Corrections for the difference over what was negotiated last year between the \$7.00 and \$9.00 per square foot or the additional amount of \$220. He indicated he would provide the Commission with a copy of a letter requesting reimbursement from that agency.

Therefore, Commission Chairman Kent Petersen signed the same, it having previously been approved.

(19)

MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 8:09 p.m.

Commission Minutes 1992 - 1995

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

May 3, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

(1)

BEAR CANYON CAMPGROUND CARETAKER - BID OPENING

Commission Chairman Kent Petersen requested Clerk, Bruce C. Funk to open the bids received in regards to the caretaker at the Bear Canyon Campground. Three bids were received. The first bid was from Cliff Leavitt, Leavitt Landscaping of Orangeville, Utah, in the amount of \$1,200 per month, with no proof of insurance provided. Attached was a letter indicating that if he was awarded the bid, he would then obtain the insurance. The second bid was from Dennis Durrant, of Huntington, Utah, in the amount of \$1,045 per month. Attached was an insurance binder from Utah Farm Bureau Insurance for the \$300,000 required liability insurance. The third bid was from R&A Enterprises, Allen Jorgensen, of Huntington, Utah. Mr. Jorgensen noted that he was the previous caretaker. His total bid was in the amount of \$1,225 per month. Attached was a certificate of insurance.

The Commission inquired as to whether the applicants met the requirements. The Clerk indicated that R&A Enterprises were the previous contractors. He indicated Cliff Leavitt has been doing similar type work for the housing authority. He also indicated Dennis Durrant has been working at the Huntington cemetery and other similar projects.

Therefore, motion was made by Commissioner Randy Johnson to acknowledge the bid from Dennis Durrant as the apparent low bid and award him the contract for caretaker at the Bear Canyon Campground at the rate of \$1,045 per month effective May 1, 1995. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

MILL DAM BRIDGE REPLACEMENT PROJECT - BID OPENING

Two bid packets were received at this time. The first opened by the Clerk was from Minchey Digging. Wherein, Minchey Digging expressed appreciation for the opportunity of bidding on County road projects. However, at this time they would not be submitting a bid on this project. The second packet was from Nielson Construction in the amount of \$284,318, with a bid bond attached. The engineers estimate for the project was \$292,219.50.

2  
Commission Minutes  
May 3, 1995

Mill Dam Bridge Replacement Project - Bid Opening, cont. . . .

Howard Tuttle of Johansen and Tuttle Engineering noted to the Commission that Nielson Construction is the only and apparent low bidder. He recommended upon review by Johansen and Tuttle Engineering that the Commission award the bid to Nielson Construction.

Whereupon, motion was made by Commissioner Bevan Wilson to acknowledge and accept the bid from Nielson Construction in the amount of \$284,318 and authorize Commission Chairman Kent Petersen to sign the Notice of Award and any additional paper work in order to expedite the project. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)  
HUNTINGTON LIBRARY - BID OPENING

Commissioner Randy Johnson reviewed the results of the bid opening held May 2, 1995, at 5:00 p.m. for the construction of a library at Huntington. Three bids were received. The first bid was from Ernest Jensen Construction in the amount of \$137,804. The second bid was from Stilson Construction in the amount of \$138,940. The third bid was from Nielson Construction in the amount of \$139,916. He noted that the actual awarding of the bid would take place later when final arrangements on the property have been made.

(4)  
REQUEST FOR SWIM TEAM SUPPORT

Lamont Gordon came before the Commission requesting Commission support of a local swim team to participate at the Utah Summer Games. Requested were funds in the amount of \$450. This was to cover the entrance fees as well as swim equipment required. The event will take place June 19, 20 and 21 at Cedar City, Utah. He was hopeful that this would be an on-going program and possibly monies could be set aside in the County budget each year. He would further like to see the Castle Dale pool open year-round to better facilitate a swim team.

Whereupon, motion was made by Commissioner Randy Johnson to approve \$450 as requested. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Appreciation was expressed to Mr. Gordon for his help and support of the youth.



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(5)  
BEER LICENSE APPLICATION - SPORTSMANS LODGE

Received was the application for a license to sell alcoholic beverages at the Sportsman's Lodge in Joe's Valley. The request is being made by Arthur and Mattie Payton. This is to be a Class B retail also included was an on-premise consumption application.

Whereupon, motion was made by Commissioner Bevan Wilson that pending approval by Sheriff, Lamar Guymon and the Health Department and upon payment of the appropriate fees to the Clerk's office, that the Commission approve the application. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)  
DEAN WILSTEAD - REQUEST TO IMPROVE STREETS IN LAWRENCE

Dean Wilstead came before the Commission in regards to roads inside and around Lawrence. These roads were graveled last year. However, the material used was very fine and because of rain and snow they become very muddy and difficult to travel. His first request of the Commission is for pavement. If pavement is not an option, that course gravel be considered to be mixed with the fine and make a harder surface to travel.

Commission Chairman Kent Petersen noted that the County had spent a considerable amount of money on streets in and around Lawrence, but would have the road department look at his request.

Commissioner Bevan Wilson noted that currently the Road Department will be working on a project east of Lawrence which represents a safety concern and is a priority. The Road Department could possibly consider some work on those roads at that time. It was the consensus of the Commission that this matter be referred to the Road Department for further consideration.

(7)  
REQUEST FOR COUNTY SUPPORT OF COVERED ARENA IN HUNTINGTON

Mark Justice, together with Huntington Mayor Raymond Martinez, came before the Commission requesting County support for a covered arena in Huntington. It was noted that they have held three public hearings which have involved a number of volunteers and groups from Huntington. They have received input and suggestions. The City Council has approved to make CIB application. They requested the Commission consider a possible appointment of one Commissioner to meet with these groups in the development and application for funding. The cost of construction is anticipated at \$1,638,368.22.

Request of County Support, cont. . . .

At this time they were uncertain as to the financial status and this could only be determined after full knowledge of what the CIB will fund. The request of the Commission is possible financial support for the project and a letter of support by the Commission which could be taken to the CIB.

Commission Chairman Kent Petersen reviewed meetings held with persons from the Community Impact Board, wherein, they indicate that applications need to come with complete plans. A full grant is only a slim possibility and funding is more likely to be part grant and part loan. There needs to be a good analysis of the costs of operation of any facility.

Mr. Justice indicated from his studies it appears that the very best that could be expected in the operation would be to break even. However, it appears that there would be an annual deficit operating cost of approximately \$25,000 to \$30,000 per year. The project has county-wide appeal and the city is willing to make application to the CIB.

Commissioner Bevan Wilson emphasized the need to have the costs accurate. He noted it is very difficult to go back to the CIB for more money. Further discussed was the need to coordinate with the County in prioritizing all projects. Commissioner Wilson agreed to be the Commissioner contact. The Commission indicated support of the concept.

(8)

TAX DEFERRAL REQUEST

Auditor, Ross Huntington noted that in preparation for the May Tax Sale, 43 parcels were being considered. Through the treasurer's office and his office they have now worked this down to only six parcels being considered for the sale. At this time he introduced Grant Thomas who owns one of the parcels in Castle Dale which is the professional building. Mr. Thomas reviewed the history, noting that the tax and maintenance costs on the building since he acquired it has never allowed him to make a profit. The last three years it has been vacant and is in poor condition. He estimated it would take approximately \$50,000 to renovate. The taxes the last five years were excessive. The assessed value previously was at approximately \$126,000.

However, Mr. Fauver indicated that they have finally been allowed access into the building. Therefore, they have appraised it at \$40,000 this last year. The amount of taxes outstanding are \$12,921.71. Mr. Thomas indicated he has been trying to sell the property for the several years, but has not received any bids.

The Commission discussed the possibility of the County looking into the previous year's valuations and possibly considering a reduction or adjustment to those taxes. However, concern was expressed by the Commission that the owner in the past has not made any attempt to contact or effort to work with

Tax Deferral Request, cont. . . .

the Commission or the Board of Equalization. The options to be considered as indicated by Mr. Huntington are to sell it on the May Tax Sale or to do a tax deferral.

After further consideration, motion was made by Commissioner Randy Johnson to approve a tax deferral if requested. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. In the meantime, the owner will make an effort to sell the property and possibly come back to the Commission in regard to the outstanding taxes that are due.

(9)  
EMERY YOUTH FOOTBALL

This having been discussed in the previous Commission meeting, wherein the Commission had deferred the request for \$2,500 for the Emery Youth Football. They have since contacted Recreation Director Dave Thompson who indicates that \$600 has been budgeted. It was the hope of the Commission that all related requests would go through the appropriate department. Therefore, no action was taken at this time.

(10)  
ROAD DEPARTMENT BUSINESS

A) Forest Service Road Agreement - Road Superintendent, Rex Funk presented to the Commission the revised schedule A for those Forest Service Roads to be maintained by the County for the year 1995. He noted that this renewal will be on an annual basis.

Commissioner Bevan Wilson asked about Link Canyon, the culvert and cattle guard. Mr. Funk indicated that they will be mitigated.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the Forest Service Road Maintenance Renewal Agreement. Motion was approved by all members present.

B) Service Truck - Mr. Funk presented to the Commission a request for a service truck. He noted they had received three bids. This is for a mechanics truck from Rainbow Corporation in the amount of \$79,500. After review and discussion, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the mechanics truck as recommended. Motion was approved by all members present.

(11)

APPROVAL OF EXPENDITURES IN WILD LAND FIRE BUDGET

Commissioner Randy Johnson noted that Glade Longmore has requested approval to purchase a cellular phone as well as a magellan unit. Mr. Longmore has further requested a letter from the Commission in support of him starting two weeks earlier in order to prepare and maintain a truck so that it would be operational at his usual starting date. He further inquired of the Commission if he could offer to five or six individuals training in wildland fire maintenance. This would be at no cost.

Commissioner Johnson further noted that the training would possibly be good. This does not necessarily involve crew members of the fire department, but others who would be available to not only work wildland fires in Emery County, but could go elsewhere. He indicated he has no problem with the purchase of the two items and recommended that approval be given on Mr. Longmore starting two weeks earlier this year only on a trial basis and provided Mr. Longmore stays within the budget.

Commissioner Bevan Wilson inquired if the equipment would be tagged as a fixed asset and property of Emery County. He was informed that they would. Mr. Longmore is to work with the Sheriff's department in purchase of the equipment at a possible greater savings.

Whereupon, motion was made by Commissioner Randy Johnson to approve the request upon the conditions noted. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

MAY TAX SALE RULES

Auditor, Ross Huntington as well as County Attorney, David Blackwell presented to those present a draft of procedures for final tax sale to be reviewed by the Commission and those involved in the tax sale. However, no action was taken at this time.

(13)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #80784 through and including #80947 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
39	Desk top copy machine - Nursing Home	1,200.00	Approved

Auditor's Business, cont. . . .

40	Paint for resident rooms - Nursing Home	10,500.00	Approved
41	Paint for interior halls - Nursing Home	4,229.00	Approved
42	Mechanics truck - Road	79,500.00	Approved
43	Hot water pump - Nursing Home	1,160.00	Approved
44	1984 Chev pickup - Sheriff	1,502.50	Approved

Motion was made by Commissioner Bevan Wilson to approve the warrants for payment the requisitions for purchase. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

The following disposition forms were presented for Commission consideration:

- A) Computer printer - This is from the Nursing Home and will be sold at the next County auction.
- B) Metal army filing unit - This is from the Library system and it is requested that it be junked.

Motion to approve the dispositions was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson. Motion was approved by all members present.

(14)

PACIFICORP/UTAH POWER AND LIGHT CONSIDERATION AND APPROVAL OF A INDUCEMENT  
RESOLUTION 5-3-95

Larry Ellertsen, Area Manager for Utah Power and Light came before the Commission noting that documents have been forwarded to the County for a bond issue. This would be for improvements of sewage and solid waste disposal facilities. These would be tax-free bonds under the name of Emery County to cover those improvements. The application needs to be made on May 18 at 10:00 a.m. He would like a Commissioner there to make that application on behalf of Utah Power. He noted that Emery County Bond Counsel Dale Okerlund has reviewed the documentation. He noted it has no effect on the County's bonding capacity. Mr. Ellertsen noted that all monies have and will be used in Emery County. Documents provide for bonding up to \$100,000,000. However, Mr. Ellertsen anticipated that only \$30,000,000 was available from the State.

Whereupon, motion was made by Commissioner Randy Johnson to approve the Inducement Application and Resolution 5-3-95. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)  
UTAH POWER AND LIGHT UPDATE

Larry Ellertsen informed the Commission that Utah Power and Light has indicated an on-going interest in the wilderness issue. He discussed progress in the Trail Mountain. He indicated the permitting is getting close. The power extension will be completed in August. He then introduced Tom Alexander who is the General Business Manager covering the Emery and Carbon County areas. He noted that Mr. Alexander will be the liaison between UP&L, the Commission and citizens. Mr. Alexander indicated he looks forward to working with the County.

(16)  
COMMISSION MINUTES

The minutes of the April 19, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the minutes as corrected. Motion was approved by all members present.

(17)  
REPORT FROM AD HOC COMMITTEE ON HEALTH INSURANCE

Personnel and Insurance Director, Pat Snowball informed the Commission that the Ad Hoc Committee has met. She outlined the procedures that they would follow. They will choose providers and groups and invite quotes on health insurance programs. She indicated that an advertisement has been placed in the newspaper. They will meet further in regards to this.

(18)  
PERSONNEL ITEMS

The following personnel items were presented for Commission consideration:

A) Road Department - Tom Humphrey has submitted his letter of "intent" to resign effective on or about May 26, 1995. The Department went through the recruitment process to hire a mechanic on a temporary basis who is working out very well. Because of this, they would like to receive approval to do an "in-house" recruitment only. By doing an "in-house" recruitment only, it pretty much assures that the "up to nine month" temporary working in the position will be hired. This is legitimate per policy.

B) Library - Marian Mangum is eligible for the automatic wage increase effective May 5, 1995. This increase would make her wage the same as others in the same position. Therefore, it would be from Grade 4, Step B or \$7.37 per hour to a grade 4, Step C or \$7.53 per hour effective May 5, 1995.

Personnel Items, cont. . . .

Whereupon, motion was made by Commissioner Randy Johnson to accept the intended resignation of Tom Humphrey and begin the in-house recruitment only for a mechanic to replace Mr. Humphrey and to approve the automatic wage increase for Marian Mangum as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

COMMISSION REPORTS

Commissioner Randy Johnson:

1. In regards to the Eco Challenge, he noted that the people of Emery County were very receptive and made the Eco Challenge people feel very welcome. He noted that he anticipates that many will be back in the future to visit the area.

He expressed appreciation to the Road Department and Tracy Jeffs for the service project in which approximately 70 tons of cans and other debris had been gathered in approximately three hours.

He expressed appreciation to the Sheriff and his department as well members of the jeep posse who spent a considerable amount of time assisting where needed during the Eco Challenge.

He noted that the activities went well and that it has been good for the County. He indicated there was no damage as wilderness people predicted.

Commission Chairman Kent Petersen:

1. He expressed appreciation to Mr. Larry Ellertsen and Pacificorp for taking the Commission on a helicopter flight over the wilderness area. He felt it was time well spent and expressed appreciation for Pacificorp's help in working on the wilderness issue in the future.

(20)

MEETING ADJOURNMENT

The Commission adjourned the meeting at 11:27 a.m.

ATTEST



CHAIRMAN



MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

May 17, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:03 p.m.

(1)

FOREST SERVICE REPORT

Charles Jankiewicz, District Ranger for the U. S. Forest Service, gave the Commission an update as to Forest activities. He first noted that this is a big moisture year. Snow levels are 105% of normal on the Ferron to 174% of normal on the Seely. He expressed concern and possible holding off permittees accessing the forest because of what might be the later snow melt. He further reported on the Stewart Guard Station. He indicated they did get a grant for the \$120,000, anticipating that the project and the facility would be open for Labor Day, 1996, as part of the State-wide Centennial celebration. He noted that the Forest Service has hired a fishing biologist to work out of the Ferron office.

He then introduced Jeannette Keiser. She is the new Forest Supervisor. She expressed appreciation in working with the Commission and the citizens in the partnership program. She outlined her experience and background.

The Commission expressed appreciation to both individuals for being in attendance and giving the update and hoped that they would continue with this in the future.

(2)

DONATION TO MISS EMERY COUNTY FOR THE MISS UTAH COMPETITION

Commissioner Randy Johnson noted a request for a donation. Wherein, at the last minute the first runner up to Miss Emery County was to assume the role of Miss Emery County and to act as the representative in the Miss Utah franchise. They have asked for a \$250 donation. He noted that this would be a one-time donation for this particular person. He recommended that the Commission at budget time look at an annual contribution rather than having to value each situation based on different values and the circumstances.

Whereupon, motion to donate \$250.00 under the conditions discussed was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.



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(3)  
DISCUSSION OF FM RADIO STATIONS

Gary Fox read a letter to those in attendance which had previously been submitted to the Commission. Wherein, radio station Z-93 received on 97.7 has changed format to Country Western music. He noted that there are now a number of western music stations and he would like to see another classic rock station brought back into the County. He noted that one listened to is out of Grand Junction.

It was the consensus and direction of the Commission that Commissioner Randy Johnson, together with Sheriff, Lamar Guymon and Bret Mills look into the possibilities and bring a recommendation back to the Commission.

(4)  
UDOT VAN FOR EMERY COUNTY AGING PROGRAM

Maughan Guymon, Director of the Emery County Aging Program, came before the Commission noting that in 1993 Emery County agreed to participate in a match grant on the purchase of a van for the Emery County Aging program. However, Emery County portion would be 20%. He has now been notified that the van is available and they need to pick it up on May 26. Therefore, he needs to have access to Emery County's share, or \$7,820 as previously committed by the Commission with the check being made payable to Intermountain Coach. He noted further that previous Auditor, Karen Truman had indicated that those funds had been carried over in the fund balance. It was noted that the Commission, upon approving this, could revisit the budget later and transfer the funds as needed. Mr. Guymon requested that the check be prepared immediately and that Sue Jones pick it up from the Auditor's office. He also discussed the uses of the van as well as the handi-capped accessibility.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the request for the matching funds in the amount of \$7,820 as Emery County's share for the purpose of purchasing a van for the Emery County Aging program. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Mr. Guymon also provided to the Commission at the request of Commissioner Bevan Wilson a list of repairs needed at various Senior Citizen Centers throughout the County. He noted that most of the facilities are owned by the County and that the Ferron Senior Citizen Center is leased from the American Legion. It was recommended that the sites be revisited and determine which items need to be done now versus in the future.

Commissioner Bevan Wilson also noted that he has received a bid for roofing and other repairs at the Huntington Airport. He noted that it has been many years since any repair work has been done on any of the facilities and that the Commission consider looking at each facility and possibly hire a County employee to do this type of work. No action was taken in regards to this matter at this time, but would receive further consideration.

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(5)  
CITIZEN CONCERNS

Phillip Larsen addressed the Commission in regards to the State Park magistrating BLM property on the South side of the Millsite State Park. He noted that it has stopped access to the water on the south-west side.

Commissioner Randy Johnson noted that he has already met and reviewed the situation there. He indicated that he would like to see the County support the State park over the BLM or Fish and Wildlife. He indicated it is the State Park's intent to open other accesses and provide camping. Also, to meet the needs of protecting the endangered specie of the cactus recently found there.

Commission Chairman Kent Petersen suggested a public hearing be set on June 21 in regards to this matter and invite the State Parks and BLM to discuss the concerns. Commissioner Randy Johnson further advised the Commission that the BLM has flagged the locations of the cactus. Therefore, this is drawing significant attention to them. It was Commissioner Bevan Wilson's recommendation that before they close off any areas, accessibility to other areas be provided first, therefore, maintaining traditional use.

(6)  
BUSINESS LICENSES

Clerk, Bruce C. Funk presented the following business license applications for Commission consideration:

A) Jesse Felix-Original Concepts - This is for a home business for mail orders in Castle Dale.

B) Russel Jensen and Darrel Jensen-Desert Valley Ranch - This is for a saw mill (lumber) to order business in Huntington.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the two business license applications as presented. Motion was approved by all members present.

(7)  
EMERY WATER CONSERVANCY DISTRICT - BOARD APPOINTMENTS

Commission Chairman Kent Petersen reviewed a letter received from the Huntington/Cleveland Irrigation Company. Wherein, it was indicated that the term of office for board member Duane K. Jensen has expired. Therefore, it was their recommendation that the Emery County Commission reappoint Mr. Jensen for another term on that Board.

Emery Water Conservancy District Board, cont. . . .

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to appoint Duane K. Jensen to another term on the Emery Water Conservancy District representing the Huntington-Cleveland Irrigation Company. Motion was approved by all members present.

Also discussed in the letter was that the Huntington-Cleveland Irrigation Company suggested that each town be represented on the Board of Directors. The Commission asked Deputy Attorney, Allen Thorpe to research this and that the Commission possibly consider notifying the entire board of the request. It was noted that presently the Conservancy District Board consists of representatives of the Irrigation Companies and possibly a couple at large.

(8)

METHOD OF SALE AND RULES FOR THE MAY TAX SALE - RESOLUTION 5-17-95

Deputy County Attorney, Allen S. Thorpe reviewed with those present the methods of tax sale and rules for the May Tax Sale which had been provided in the previous Commission meeting for review. He further presented Resolution 5-17-95 outlining the same. Mr. Thorpe noted that Auditor, Ross Huntington had requested that a review be made as to the procedures in the May Tax Sale. He has reviewed the statutes and obtained rules from other counties regarding the May Tax Sale. He outlined some of those things that needed to be done at the time of sale. This would provide guidelines for both those conducting the sale as well as the public.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve Resolution 5-17-95 which is the Method of Sale and Rules for the May Tax Sale as submitted with the change that the administrative costs not be fixed in that document but be set periodically by the County Auditor. Motion was approved by all members present.

(9)

HUNTINGTON LIBRARY BID

Emery County Library Director, Jerilyn Mathis informed the Commission of the Notice of Award for the construction of the Huntington Library to Ernest Jensen in the amount of \$137,804. This having been discussed in the previous Commission meeting. She noted a warranty deed would be received from Huntington City prior to construction. Wherein, deeded to the County was a lot for construction of the library of 116 feet by 192.5 feet. The City owns the balance of the property. Whereupon, it was the consensus of the Commission that a letter be written to Huntington City expressing appreciation for their help and support and donation of the land for the construction of the library.

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(10)

APPROVAL OF INTERLOCAL AGREEMENT BETWEEN EMERY TOWN AND EMERY COUNTY REGARDING  
THE TV TOWER - TRANSLATOR STATION

Commissioner Randy Johnson reviewed an Interlocal Agreement between Emery Town and Emery County in regards to the translator transmitting station serving Emery Town and its vicinity. It was noted that Emery Town holds the lease on the property. It clarifies ownership of the tower and buildings, this for County insurance purposes. It was noted that the County Attorney's office has reviewed the document. Therefore, it was Commissioner Randy Johnson's motion to approve the Interlocal Agreement as prepared and that Emery County insure the facility and begin the necessary fencing for security purposes. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Sheriff Guymon expressed concerns about leasing other facilities at the site which may interfere with the transmissions.

The Commission directed Sheriff Guymon to proceed with fencing the facility.

Sheriff Guymon further indicated he received a bill for \$1,500 for last year's power at the site. It was the consensus of the Commission that the County reimburse Emery Town for those costs.

(11)

ROAD DEPARTMENT BUSINESS

A) Invitation to Bid - Road Superintendent, Rex Funk requested permission from the Commission to proceed in seeking bids for one or possibly two motor graders as his budget may permit. He noted that the monies have been budgeted. The bid opening is to be held June 7, 1995. The bids will be received at the Clerk's office.

It was the consensus of the Commission that he proceed with the invitation to bid.

B) Millsite Access Road - Mr. Funk indicated that he has been informed that the Millsite Access Road to the parking area is under Emery County jurisdiction. This is the result of a Bill passed last year by the legislature. He wanted to make the Commission aware of that. He also requested transfer of an automobile which has been made available through the Sheriff's office. In turn, the vehicle he has previously used would be returned to the Sheriff's department for inclusion in an upcoming auction.

(12)  
COURTHOUSE RECARPETING

Clerk, Bruce C. Funk informed the Commission that preparation for proceeding with an invitation to submit proposals from various local businesses for recarpeting the Emery County Courthouse has been prepared. Dates for submittal of those proposals were discussed. It was the consensus of those present that the Committee tentatively set a date of June 14 for receipt of the proposals. Afterwhich, the Committee would review and bring back to the Commission a recommendation.

He also inquired of the Commission whether they would be considering recarpeting the lower floor only or the entire courthouse with the exception of the vaults and storage areas. The Commission indicated that these would come from these same funds and for bidding purposes, the entire courthouse be considered.

(13)  
AUDITOR'S BUSINESS

Deputy Auditor, Terry Williams presented to the Commission for their consideration Warrant/Check Edit List #81113 through and including #81274 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
46	GPS Trailblazer - Wildland Fire	299.79	Approved
47	8 Stall used starting gate - Capital Projects/Racing Association	5,000.00	Approved
48	3 hand-held radios - Commission	2,424.00	Approved
49	Leg press/hack squat - Sheriff	755.00	Approved
50	4-drawer lateral file - Sheriff	579.00	Approved
51	2 40 watt mobile radios and accessories - Nursing Home	2,256.00	Approved
52	2 1995 Ford Explorers - Sheriff	47,550.00	Approved

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Auditor's Business, cont. . . .

Motion to approve the warrants for payment and the requisitions for purchase was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

(14)  
COMMISSION MINUTES

The minutes of the May 3, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

(15)  
LEGISLATIVE GOLF TOURNAMENT GIFT

The Commission acknowledged receipt of a letter from the Utah Association of Counties. Wherein, they have requested that counties contribute a gift for the golf tournament to be conducted in August with the County elected officials and legislators. Discussed and agreed upon was a one night's stay at the Millsite State Park, dinner at Matties at Millsite and 18 holes of golf for two people, including cart. Motion to that effect was made by Commissioner Bevan Wilson, seconded by Commissioner Randy Johnson and approved by all members present.

(16)  
COMMISSION REPORTS

Commissioner Randy Johnson:

1. He reported that he has received notice of the resignation of the Health District Director, Gary Angott. The Health District is beginning the recruitment process. The District has tentatively appointed an interim manager until an acting director is appointed during the recruitment for a permanent Director.

Commission Chairman Kent Petersen:

1. He discussed wilderness, indicating the wilderness issues are not settled. He reviewed flights with the Governor and other delegates over the wilderness areas. They are presently meeting on those issues and the County should know in a couple of weeks if they will consider the County proposal.
2. He reviewed the Governor's and others trip to Green River for their clean-up.

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(17)

SHERIFF'S BUSINESS

Sheriff, Lamar Guymon informed the Commission that the new Ferron ambulance has arrived. He further gave a report on the Eco Challenge and the closing ceremonies. He discussed some of the articles which have been written opposing the Eco Challenge race. He noted that they are unfounded and inaccurate. Those who have participated left no evidence of any damage. In fact, they cleaned up many areas which they travelled through.

The Commission suggested that he get with Economic Development Director, Rosann Fillmore and Commissioner Randy Johnson and others to prepare letters rebutting those who have expressed opposition or concerns over the activities of the Eco Challenge race.

(18)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Library - Approval is requested to hire Charlene Oviatt as Assistant Librarian for the Huntington Library, working part time, less than 20 hours per week at the rate of \$6.00 per hour. Effective date is May 22, 1995.

Additionally, request is made to ratify the hiring of Jane Manchester as Janitor for the Emery Library, working 10 hours per week only, at a rate of \$4.25 per hour, effective May 9, 1995.

B) Weed & Mosquito - Approval is requested to rehire the following "up to 90-day" temporaries: Lee Moss, Dewayne Fowler and Dennis Dooley. The rate of pay will be \$8.25 per hour, effective June 1, 1995.

C) Road - Approval is requested to hire Charles Bentley as a career service Mechanic, on a full-time basis at a rate of \$10.51 per hour, eligible for benefits, effective May 22, 1995.

Additionally, request approval to hire Joyce Staley in the "up to 9-month" temporary capacity to perform clerical duties at a rate of \$6.00 per hour. Effective date is May 22, 1995.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the hiring of Charlene Oviatt, Jane Manchester, Lee Moss, Dewayne Fowler, Dennis Dooley, Charles Bentley and Joyce Staley as presented. Motion was approved by all members present.

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May 17, 1995

(19)  
MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 8:32 p.m.

ATTEST Bruce L. Frank CHAIRMAN Kent Petersen



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

June 7, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; Deputy County Attorney, Allen Thorpe; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Kent Petersen at 9:05 a.m.

(1)

FAUSETT MORTUARY - INDIGENT BURIAL

Greg Fausett, from Fausett Mortuary, came before the Commission to discuss the direction the County would like to take in regards to indigent burials. He discussed the fees involved with the mortuary, the grave site, the vault and the grave opening and closing. He indicated the mortuary charges which include a cloth covered wood casket, embalming and graveside services would be \$900. He suggested the County have its own cemetery where vaults are not required and the County would be able to use its own back hoe for the opening and closing of the grave. This would greatly decrease the cost for the indigent burial.

Commissioner Bevan Wilson informed those present that the County presently owns the Lawrence cemetery and suggested the Commission consider acquiring additional property surrounding that cemetery to use for indigent burials. It was suggested that the cemetery be surveyed in order to determine where any unmarked graves may be located to eliminate any possible problems when opening new graves.

After further discussion, it was the consensus of the Commission that Commissioner Bevan Wilson check into the County acquiring additional property surrounding the Lawrence cemetery. The Commission further requested Clerk, Bruce Funk to put a policy together for the indigent burials.

This matter is to be brought back to the Commission for final review and approval.

(2)

CLAY HOLBROOK - QUIT CLAIM DEED

Clay Holbrook came before the Commission requesting the County to Quit Claim a parcel of property located in Green River, Lot 6, Section 32, Township 20 South, Range 16 East, Salt Lake Base and meridian. Deputy County Attorney, Allen Thorpe informed the Commission that he has researched this matter and suggested that the County approve the Quit Claim Deed.

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Commission Minutes  
June 7, 1995

Clay Holbrook, cont. . . .

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to authorize Clerk, Bruce Funk to sign the Quit Claim Deed as discussed. Motion was approved by all members present.

(3)

KENNA WRIGHT - REQUEST FOR DONATION

Commission Secretary, Leslie Bolinder informed the Commission that they have received a request from Kenna Wright for a donation to help pay for her to attend the Governor's Honor Academy.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve a donation of \$50 to Kenna Wright for her to attend the Governor's Honor Academy. Motion was approved by all members present.

(4)

REINER BRADLEY - REQUEST FOR FINANCIAL SUPPORT FOR PHYSICIAN ASSISTANT SCHOOLING

Reiner Bradley came before the Commission to request financial assistance to help pay for him to become a Physician's Assistant. He indicated the cost to become a P.A. is very high and he is looking for any resources to help pay for the schooling. He indicated he is committed to stay in Emery County until the time of his retirement and he would like to establish a scholarship program for this same type of funding program by the Commission for others. He indicated this would be viewed as a loan or grant which would be paid back to the County in the future. He indicated the turn over of staff at the Emery Medical Center has been great in the past and he would like to see a more stable staffing situation.

After discussion by the Commission, it was the consensus of those present that the County should not become a grant or loan institution and this could open up a concept for everyone to come to the County for grants and loans for schooling. It was suggested that Mr. Bradley contact the Economic Development Director to see if there is anything through that department to help with funding.

Mr. Bradley thanked the Commission for their time and the Commission, in turn, thanked him for coming before them today.

(5)

HERITAGE MANAGEMENT - TEMPORARY MANAGEMENT CONTRACT FOR EMERY COUNTY NURSING HOME

Commissioner Randy Johnson presented to the Commission a Temporary Management Contract between Emery County and Heritage Management for management services at the Emery County Nursing Home. He indicated that County Attorney, David Blackwell has been working with Heritage Management in regards to a resolution of the problems at the Nursing Home. They are hopeful this temporary contract will resolve those problems and improve the conditions. This is a temporary contract to be in effect until November of 1996. This will give both parties an opportunity to see if the problems are resolved before renewing the contract for an extended period of time.

Commission Chairman Kent Petersen indicated currently Heritage Management gets one-half of the profit at the Nursing Home plus a management fee. The new temporary contract changes that to provide Heritage with a management fee of 5-1/2% of revenues. Whereby, there is no incentive to cut costs to increase profits.

Commissioner Bevan Wilson indicated this is the first time he has seen the contract and would like time to review the same. Therefore, he will abstain from voting at this time; however, he indicated he does support the concept.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commission Chairman Kent Petersen to approve the Temporary Management Contract between Emery County and Heritage Management as discussed. Commissioner Bevan Wilson abstained. Whereupon, motion passed.

(6)

BLM ADVISORY BOARD COUNCIL

Commission Chairman Kent Petersen informed those present that they need to get their nominations in for the state-wide BLM Advisory Board Council as soon as possible. He indicated the Board will consist of various individuals from the State including five from local government agencies, five from private industry and five with environmental interests.

Whereupon, after further discussion motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to nominate as their preferred option Commission Chairman Kent Petersen on the government level and Ira Hatch to represent the public lands council on grazing or in the alternative, each individual as public at large. Motion was approved by all members present.

(7)

WATER RESOURCES BOARD

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to appoint Craig Johansen to the Water Resources Board. Motion was approved by all members present.

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(8)

STATE PARKS BOARD

Motion was made by Commissioner Bevan Wilson to nominate Commissioner Randy Johnson to the State Parks Board. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(9)

BRENT HILLIER - HEALTH INSURANCE RENEWAL INFORMATION

Personnel Director, Pat Snowball introduced Brent Hillier to the Commission. Mr. Hillier gave the Commission a summary of the County's health insurance program. He went over comparisons in claims between the last few years and the current year and gave the Commission copies of the same.

Pat Snowball informed the Commission that the Ad Hoc Committee is currently in the process of looking at other proposals from various health insurance providers and will come back to the Commission in the future with their proposal.

(10)

ROAD DEPARTMENT BUSINESS

A) Summer Work Schedule - Motion was made by Commissioner Randy Johnson to approve the proposal by Road Superintendent, Rex Funk to allow the road department crew to work a 10 hour per day, four day per week schedule. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

B) Motor Grader Bid Opening - Deputy Clerk, Julie Winn informed the Commission that two bids had been received. The first bid was from Scott Machinery in the amount of \$159,053 for a John Deere; the second bid was from Wheeler Machinery in the amount of \$176,228 for a Caterpillar. Motion was made by Commissioner Bevan Wilson that Road Superintendent, Rex Funk and Commission Chairman Kent Petersen get together and review the bids to determine which equipment would be the best for the County. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

C) Molen Hill Project - Road Superintendent, Rex Funk informed the Commission that because of a problem with a power pole being located on property owned by Utah Power and Light at the Molen Hill project, the County might have to consider purchasing that piece of property. After further discussion, motion was made by Commissioner Bevan Wilson that Road Superintendent, Rex Funk and Commission Chairman Kent Petersen negotiate with Utah Power and Light for the purchase of that piece of property. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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June 7, 1995

(11)  
AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #81539 through and including #81709 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
53	Hi-8 Player/Recorder Stereo - Sheriff	554.00	Approved
54	Light Bar - Sheriff	669.99	Approved
55	Used Tractor - Capital Projects	9,200.00	Approved
56	Lateral File - Road	542.40	Approved

The following disposition of asset forms were presented for Commission consideration:

- A) Clothes dryer from Nursing Home, tag #004679, to be junked.
- B) Ledger sheet tray from Auditor's office, tag #001309, to be junked.
- C) Swingline 6325 Decollater from Auditor's office, no tag, to be junked.
- D) IBM Selectric II typewriter from Treasurer/RSVP, no tag, to be junked.

Whereupon, motion was made by Commissioner Randy Johnson to approve the warrants for payment, requisitions for purchase and the dispositions as requested. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)  
COMMISSION MINUTES

The minutes of the May 17, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

(13)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

A) Concession Workers - An interview panel made up of Commissioner Johnson, Carol Ware, Rosann Fillmore, Marissa Cox and Pat Snowball selected the following six individuals to work at the concession stand at the Huntington State Park: Patricia Frandsen, Valeena Begay, Melissa Johnson, Lori Roundy, Rebecca Justesen and William Story. These people began work on Memorial Day weekend, May 27, 1995, at the rate of \$4.25 per hour. These are in the temporary up to 90 day category.

Motion was made by Commissioner Randy Johnson to approve the concession workers as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

B) Wildland Fire Fighters - Hired at a rate of \$7.72 per hour, effective June 6, 1995, in the temporary up to 90 day category are the following people to work on an on-call basis: Kim Rollins, Russ Mead, Michael Mortensen, Greg Harvey and Jacob Wright.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the wildland fire fighters on an as-needed basis as presented. Motion was approved by all members present.

C) County-wide Repair/Maintenance Technician - It is proposed to hire in the temporary category of up to 90 days an individual who is able to perform a variety of routine skilled duties as needed to ensure that County facilities are kept in good repair and working order.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve a county-wide repair/maintenance technician as presented. Motion was approved by all members present.

D) Extension Office - Request is made to approve a one-step increase in wage for Lynda Nelson, Administrative Assistant. Utah State University has not yet replaced the position of Home Extension Agent since Elaine Hatch's retirement and Lynda has been called upon to perform duties beyond her regular job duties. It is proposed that Lynda go from Grade 9, Step I or \$10.45 per hour to a Grade 9, Step J or \$10.65 per hour.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the one-step wage increase for Lynda Nelson as presented. Motion was approved by all members present.

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June 7, 1995

(14)  
COMMISSION REPORTS

Commissioner Randy Johnson:

1. He informed the Commission that he has approved allowing the Justice Court employees to work a four day work schedule, working 10 hours per day. The employees would not be off the same day, thereby, allowing the office to be open longer hours five days each week.
2. He informed those present that the County has installed a crystal to allow the 94.1 FM station to be on the air.

Commissioner Bevan Wilson:

1. He informed the Commission that they may need to look at the representation on the Water Conservancy District Board in the near future.

Commission Chairman Kent Petersen:

1. He briefly discussed the wilderness issue. He indicated that although the Commission is in support of a bill, they do not fully agree with all of its provisions.

(15)  
MEETING ADJOURNMENT

The meeting adjourned at 12:00 noon.

ATTEST

 CHAIRMAN 

MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE EMERY COUNTY COURTHOUSE

June 21, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; and Deputy Clerk, Wendi Downard.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

(1)

PUBLIC HEARING - ACCESS TO MILLSITE STATE PARK AND SURROUNDING LAND

Commission Chairman Kent Petersen at this time opened the meeting to receive public comment on public access to Millsite State Park. He indicated that there had been some concerns over the fact that several roads that people are use to driving into for fishing have been closed. He also said there was a study being conducted by BLM of a species of cactus which was considered endangered. Max Jensen, Utah State Parks Southeastern Utah Regional Manager, explained that in 1990 an application had been made to expand the park because the use of the park was expected to triple if the golf course was to add an additional 9 holes. He said the most feasible plan was to expand up the canyon from the present park. The BLM is conducting a population count of the endangered cactus to see if it would be possible to further develop the park and the roads had been blocked off to slow down the damage, especially to the cactus. If the park is expanded, there would be designated, paved roads. A concern was expressed as to why the roads were being closed now when it may be some years before further development takes place. Mr. Jensen indicated that it was to slow down the damage and people could still drive part way and walk in. There was concern expressed about having to pay a fee to fish. Mr. Jensen indicated that State Parks would most likely have total shoreline management and it was their policy for users to participate in operating costs at 30% - 35%. He pointed out that even those who only fish use the restrooms and trash cans and that with management by the parks there would be better protection of the water since it is culinary water. Commissioner Johnson said that it had been indicated to them that there would be some access for fishing without paying the fee and, if that is not so, they need to let the public know that. Mr. Jensen said he was not aware that would be the case. Commissioner Wilson advised Mr. Jensen that it will be very important to have some local people involved in the planning and the County would very much like to be a part of that.

Penny Dunn from BLM outlined their concerns at Millsite: the Pediocactus Winkleri, a threatened species; erosion because of no designation of roads; and indiscriminate dumping. She pointed out that this cactus grows nowhere else in the world. She said that they are still conducting research and



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Millsite State Park, cont. . .

brainstorming how to overcome these problems and indicated that they could possibly work with the Public Lands Council and that it may be possible to work something out to allow fishing without paying the fee.

(2)

REQUEST TO WAIVE GREENBELT ROLLBACK TAXES ON DWR/JOHN NIELSEN LAND EXCHANGE

Miles Moretti from DWR advised the Commission that the Division and John Nielson are exchanging some property near Huntington. The Division is trading 160 acres known as the Upper and Lower Huntington Game Farms to Mr. Nielson in exchange for 287 acres of land known as the "Harvey Place." The question is whether or not rollback taxes would have to be paid since the "Harvey Place" was on greenbelt status. Mr. Moretti reported that Denny Lytle of the State Tax Commission had advised, if no exchange of money took place and there was no loss in tax revenue, and if the County would benefit from the exchange, the County could waive the rollback tax requirement. The "Harvey Place" will be primarily managed as an upland game and waterfowl area, so would provide additional hunting opportunities for county residents. Taxes to the County will actually increase as Mr. Nielson will be assessed a higher green belt tax on the properties he will be acquiring. Mr. Moretti indicated that this practice has occurred in several counties throughout the state. Motion was made by Commissioner Bevan Wilson to waive the rollback taxes. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)

CITIZEN CONCERNS

Larry Davis asked if the County will have any problems with flooding this year. Commission Chairman Kent Petersen advised that the Road Department had taken some action before the run off that was preventing problems and, except for a couple of areas of minor concern, it did not look as though there would be any problems. Millsite is looking good and the run off on the Huntington Creek and Joe's Valley has peaked. Commissioner Wilson noted that there could be a problem if the upper reservoirs in Huntington Canyon were to fill and spill, but that is being watched. Commission Chairman Kent Peterson indicated that since the Flood Control Budget was implemented in 1983, the County has been in much better shape in dealing with these problems.

(4)

APPROVAL OF CASTLE VALLEY SPECIAL SERVICE DISTRICT 1995 TAX RATE

Darrel Leamaster came before the Commission for approval of the 1995 tax rate. He indicated that the valuation of the county went down, the district valuation dropped by about \$21,000,000, which has had a considerable impact.

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June 21, 1995

CVSSD 1995 Tax Rate, cont. . .

The district is still below the certified tax rate but they are approaching the maximum that the voters have authorized. The certified rate for Water Purification and Sewage Disposal is .000840 and .000800 is the maximum authorized by the voters. They show a budgeted revenue of \$895,000 and at the maximum tax rate they will be \$26,000 short. But since they are at their maximum tax rate, that cannot be avoided. The certified tax rate for Debt Service is .002196 and they are purposing .002074, which will generate a revenue of \$2,255,000. The overall rate will be .002874, which will be slightly higher than last year's rate of .002854. He explained that although local real estate values have increased, statewide centrally assessed property values have been going down. Motion was made by Commissioner Randy Johnson to approve the 1995 tax rate at .002874. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

APPROVAL OF EMERY COUNTY GENERAL FUND, FLOOD CONTROL, AND LIBRARY FUND 1995 TAX RATE

Auditor Ross Huntington came before the Commission for approval of the 1995 General Fund, Flood Control and Library Fund Tax. He indicated that there had been a 68 million dollar decrease in our values county-wide that could be traced to centrally assessed property. The state has certified our tax rate this year at .003181. He explained that the decrease in centrally assessed property has created a tax shift to the local property owners and, if they use the same tax rate as last year, there would be a \$250,000 shortage because of the decrease in values. The certified tax rate for General Operations this year is .003181 compared to .003032 last year. The certified tax rate for Flood Control this year is .000185 compared to .000184 last year, but a lower rate was approved last year of .000176. The certified tax rate for Library Fund this year is .000368 compared to .000366 last year, but a lower rate was approved last year of .000351. Total certified rate for 1995 is .003734 compared to .003582 last year, but a lower rate was approved last year of .003559. The certified rates are going up. He did advise that, even if the Commission approved a higher rate to offset the shortage, generally, property owners would pay less in 1995 because of a decrease in the school levy and increased homeowner exemptions. The Commission considered several alternatives to best deal with this problem as they were opposed to raising the tax rate. They noted that this decrease in centrally assessed property continues every year. After considerable discussion, it was the general consensus that, in order to avoid additional problems in the future, it would be better to increase the rate now when most people will be paying less.

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Emery County General Fund, Flood Control & Library 1995 Tax Rate, cont. . .

Motion was made by Commissioner Bevan Wilson to approve the state certified rates for 1995 as follows: General Operations .003181, Flood Control .000185, Library Fund .000368, Total .003734. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

CONSIDER RE-APPOINTMENT OF EMERY WATER CONSERVANCY DISTRICT BOARDMEMBER

Commission Chairman Kent Petersen advised that Clyde Conover's term on the Emery Water Conservancy Board expired in April. The Commission has received a letter from Ferron Canal asking to appoint Clyde to another term on the board. Motion was made by Commissioner Bevan Wilson to reappoint Clyde Conover to another term on the Emery Water Conservancy Board. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

APPROVAL OF BUSINESS LICENSE

Deputy Clerk Wendi Downard requested approval of two business license applications. The first was for Travis M. Willson doing business as 42 K Outfitters at 560 North Cleveland Road, Elmo. This application had been approved by Planning and Zoning Administrator, Bryant Anderson. The second was for LaRene and Bill Ivie doing business as L & B Construction at Huntington Canyon, Huntington. This application had been approved by Commissioner Bevan Wilson, standing in for Bryant Anderson. Motion was made by Commissioner Bevan Wilson to approve both business licenses. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF COUNTY BRAND INSPECTION AGREEMENT

Commission Chairman Kent Peterson presented a County Brand Inspection Agreement for approval. He indicated this was a renewal of an ongoing agreement with the Department of Agriculture wherein we designate one or more of the Sheriff's Deputies to be Brand Inspectors and, in exchange, they pay the County \$5,000.00 per year. They inspect horses and cattle for proof of ownership, issue brand inspection certificates and collect fees, prepare monthly reports and submit fees to the Department of Agriculture. Motion was made by Commissioner Randy Johnson to approve the agreement. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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June 21, 1995

(9)

ROAD DEPARTMENT BUSINESS - REPORT ON CONDITION ON GENTRY MOUNTAIN

Carol Ware of the Road Department requested that this matter be tabled at this time because of the absence of Road Department Supervisor Rex Funk. Commission Chairman Kent Petersen indicated that we had signed an agreement with the Forest Service to maintain the Gentry Mountain Road. The section being discussed is actually on private land and U.S. Fuel land in the area of the Old Morland Mine and on up. That road is apparently in extremely bad shape, so we will be working on that road. Commissioner Bevan Wilson advised that the cattlemen were very anxious about this as they will be moving cattle up there very soon.

(10)

CONSIDERATION AND APPROVAL OF TAX ADJUSTMENTS

Assessor Jim Fauver presented a request by Southern Pacific Railroad. They have filed several law suits over the years. Due to the 4R Act, railroads only pay on the state average sales ratio for locally assessed properties and in 1989, that average was 86%. They paid based on that, but they were in the middle of a law suit and so we have carried 100% of the value on our books. Those law suits have now been settled and now we need to abate those taxes and penalties for everything over the 86%. It comes out to about \$20,000.00 in taxes and penalties. He indicated that this is what is being done in all the counties that have these railroad accounts and they had been advised legally it would be futile to try and collect this. Commissioner Randy Johnson made a motion to approve the abatement for Southern Pacific Railroad. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commission Chairman Kent Petersen presented another request for abatement. He indicated that Wiley Howell owned some property in Cleveland and sold a piece of property to Gary Norton and there was a mixup on the records as to which piece of property had the house on it. Gary Norton then sold the property again. Two title companies cleared on the property at the same time, but neither picked up the house. Now it would be very difficult to determine who owes the \$78.27 balance due and the Treasurer is asking that this amount be abated. Motion was made by Commissioner Bevan Wilson to abate the \$78.27 balance. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

DISCUSSION AND APPROVAL OF COURTHOUSE CARPET PROJECT

This matter was tabled at this time.

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June 21, 1995

(12)  
AUDITOR'S BUSINESS

Auditor Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #82131 through and including #82323 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
57	5 Wheel Chairs - Nursing Home	1,318.25	Approved
58	TV translator for Green River, 3 channel combiner, antenna - TV/Communications	13,900.00	Approved
59	TV translator, Ch. 26 - TV/Communications	13,900.00	Approved
60	4 channel combiner, transmit antennas, cables and connectors - TV/Communications	12,500.00	Approved
61	2 Cat Graders - Road Dept.	293,204.00	Approved
62	Binding Machine - Road Dept.	346.00	Approved

Whereupon, motion was made by Commissioner Randy Johnson to approve the warrants for payment and requisitions for purchase as requested. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Auditor Ross Huntington indicated that in a previous Commission Meeting, the possibility had been discussed of having a petty cash fund for small emergencies when the money is needed right away. He advised that Kay Kimball had expressed approval if there is a maximum amount set for the fund, a maximum amount set for any one check and more than one signature is required on the checks. Ross suggested a \$2,000.00 limit for the fund and a \$100.00 limit for each check. He recommended one signature be the Commissioner over the particular department, when possible, and the other signature should be the Treasurer or Auditor's. A claim would then be submitted to reimburse the petty cash fund. Motion was made by Commissioner Randy Johnson to approve the petty cash fund as outlined. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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June 21, 1995

(13)  
COMMISSION MINUTES

The minutes of the June 7, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the minutes as corrected. Motion was approved by all members present.

(14)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball, presented the following items for Commission consideration:

- A) Attorney Nancy Orgill has completed her first year with the County and is eligible for the automatic wage adjustment from Legal Secretary I, Grade 6, Step C, \$8.19/hr., to Legal Secretary II, Grade 8, Step B, \$8.70/hr., effective June 16, 1995.
- B) Extension Request is made to approve hiring Jodi Jeffs in the "up to 90-day" temporary category. This is Jodi's third season with the office and it is recommended her wage be \$6.00/hr, effective June 12, 1995.
- C) Weed and Mosquito Request is made to ratify approval of the recruitment process for a Weed and Mosquito Worker.
- D) County-Wide Repair/Maintenance Technician Request is made to approve hiring Lance Farmer in the "up to 90-day" temporary category. After some discussion, it was recommended that his wage be \$11.00 per hour plus \$4.00 per hour equipment rental.

Motion was made by Commissioner Randy Johnson to approve the four personnel actions as discussed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. The Commission discussed possible projects for Lance Farmer and agreed that he would need an assistant to be paid from \$6.00 - \$8.00 per hour. It was agreed that Commissioner Bevan Wilson will handle finding that person.

(15)  
COMMISSION REPORTS

Commissioner Randy Johnson:

1. He indicated the Public Health Board moved to change the interim manager to acting manager and, after 6 weeks, an evaluation will be done to consider whether to make this permanent. They think

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June 21, 1995

Commission Reports, cont. . .

he will be able to qualify legally for the position, but, if we have any question, we would have the option to recruit nationally. He's putting together some figures as to what they need in their building and then we can see if it's something we can include in our lease agreement.

2. He noted that the Sheriff's Office had done an excellent job on the search they handled for the drowning victim in Green River. It was a very sad situation and they handled it very well. He also indicated the golf course in Green River looks good and the grass is coming up.

Commissioner Bevan Wilson:

1. He advised the Commission that Maughn Guymon was appointed as President of the State Board of the Area Aging Program. They will be appointing some new members, as a couple of them will be retiring.

Commission Chairman Kent Peterson:

1. He advised they had received a "Thank You" letter from Jerry Braun of the Millsite Golf Course for helping out with the tournaments they held. They received many complimentary comments for the golf course and the county.
2. He said they had received a letter from Harold Hiske from the Utah Center for Rural Life. He is asking if we have any nominations for Rural Utah Man or Women of the Year. Commission Chairman Kent Petersen asked for suggestions for these.

(14)

MEETING ADJOURNMENT

The meeting adjourned at 9:15 p.m.

ATTEST

  
CHAIRMAN



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

July 5, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

(1)

RATIFICATION OF EMERY COUNTY GENERAL FUND, FLOOD CONTROL AND LIBRARY 1995 TAX RATES

Auditor, Ross Huntington advised those present that in the previous Commission meeting, the Commission had approved the 1995 tax rates. In that meeting they had approved the adoption of the certified rate, which for the Emery County General Fund was .003181; Library Fund was .000368; and Flood Control was .000185. He further advised the Commission that since that time they have detected an error due to the reevaluation of properties in Castle Dale, Orangeville and Huntington. Therefore, not only were they revaluated, but a factor order was applied. Therefore, their values would appear to be unfair since the other communities received only the factor order. Therefore, the properties have since been readjusted. Therefore, he recommended adoption of the new certified tax rate for the Emery County General Fund at .003186; Library Fund at .000369; and Flood Control remain the same.

Whereupon, motion was made by Commissioner Randy Johnson to ratify the new certified tax rate as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

DONATION REQUEST - LESLIE BENNETT

Leslie Bennett was introduced to the Commission. She indicated that she has qualified third in the State of Utah in barrel racing. As such, she has been invited to attend the National High School Rodeo Finals in Gillette, Wyoming. Therefore, she was soliciting a donation from the Commission. Whereupon, motion was made by Commissioner Randy Johnson to donate \$50 to Leslie Bennett to assist her in participating in the National High School Rodeo Finals as requested. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.



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July 5, 1995

(3)

CITIZEN CONCERNS

Emery County Progress Editor, Larry Davis inquired of the Commission as to the total cost to the County for the State of Utah vs. Pearson trial. He indicated he has received numerous inquiries as to the cost and it is of great public interest. The Commission concurred in the public interest in those costs and would make that available through the Auditor's office.

(4)

APPROVAL OF STATE COURT CONTRACTUAL AGREEMENT

Clerk, Bruce C. Funk presented to the Commission for their consideration the State Court Contractual Agreement for the fiscal year 1995-1996 in the amount of \$117,701. This provides for reimbursement for space, staff and supplies for operation of the District Court by Emery County. This is similar to previous years. The contractual amount is up slightly from last year.

Whereupon, motion was made by Commissioner Randy Johnson to approve the State Court Contractual Agreement as presented for the year 1995-1996. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

CONSIDERATION OF SOFTWARE PURCHASE AND LICENSE AGREEMENT WITH ELECTION TECHNOLOGIES COMPANY

Clerk, Bruce C. Funk reviewed a license agreement which had been submitted to the Clerk's office from Election Technologies Company. He informed the Commission that the Lt. Governor's Office had advised by phone and would confirm by letter that the State of Utah would cover the costs as outlined in the agreement with annual maintenance costs to be born by Emery County beginning in 1996. Emery County would be responsible for purchasing the computer and printers which is anticipated will eventually be needed whether the system is used or not. This is all part of the requirements in the National Voter Registration Act which was federally mandated requirement and adopted by the State of Utah.

The Commission expressed some concerns in the wording of the agreement. Therefore, it was the consensus of the Commission that Mr. Funk work with Commissioner Randy Johnson in regards to this matter and come back to the commission at a later date with a recommendation.

No action was taken at this time.

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(6)  
EMERY COUNTY LANDFILL - WEEKEND SERVICE AND RECYCLING PROGRAM

Road Superintendent, Rex Funk reviewed the public hearing in which he attended on June 29 in Green River. He noted that following that public hearing Green River has taken action to close that landfill and therefore this could possibly have an impact on the Emery County landfill, depending on who provides the pick-up service in Green River City. He noted that presently their landfill is receiving approximately 55 tons per week. In the Summer that increases approximately 25%. He further discussed with the Commission a possible tip tax for dumping in the landfill. This he would propose in the Fall budget process. They also discussed tire disposal, recycling and drop stations. These have all been contained in his memo to the Commission.

(7)  
COURTHOUSE CARPET PROJECT REPORT

Clerk, Bruce C. Funk advised the Commission that the Committee has met with an independent carpet installer. They have reviewed various carpet construction samples. The installer recommended a glue down carpet for increased life of the carpet. Because of concerns in the loss of the cushion effect over the present carpet that consideration be given in looking at other commercial installations outside the area if necessary such as law office complexes and churches. Many of those have a very durable pad and are glued down with excellent results. Therefore, that Committee would be pursuing these other areas and report back.

(8)  
1994 INDEPENDENT AUDIT REPORT

Auditor, Ross Huntington presented to the Commission the 1994 independent audit as prepared by Kimball and Roberts. He noted that himself, Treasurer, JoAnn Behling, the Commission and Kimball and Roberts met last Tuesday and reviewed the audit. Therefore, the conclusion basically was that the County is financially in good shape. He further reviewed some of the comments contained in the management letter to the County dated December 31, 1994.

Whereupon, motion was made by Commissioner Bevan Wilson to approve and accept the Audit Report as prepared and submitted by Kimball and Roberts. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)  
AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #82508 through and including #82642 for payment.

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Auditor's Business, cont. . . .

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
63	16-ft heavy duty flat bed trailer -		Approved
64	Miscellaneous equipment - Capital Projects/Race Tracks - Arena	3,484.00	Approved

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the warrants for payment and the requisitions for purchase. Motion was approved by all members present.

(10)

COMMISSION MINUTES

The minutes of the June 21, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) County-Wide Repair/Maintenance Technician - Ratify approval of hiring Steve Feuers as assistant to the County-wide Repair/Maintenance Technician, in the "up to 90 day" category of temporary worker, effective June 26, 1995, at a rate of \$7.00 per hour for 30 days and \$8.00 per hour based on performance thereafter.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the hiring of Steve Feuers as presented. Motion was approved by all members present.

B) Housing Authority - John Sehestedt has left County employment to take the post of Emery County Housing Authority Director. Request is made to allow Mr. Sehestedt to participate in the Emery County Health Insurance group plan. The Housing Authority will pay his premium.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to allow Mr. Sehestedt to participate in the County health insurance group plan. Motion was approved by all members present.

Personnel Items, cont. . . .

C) Health Insurance - The Ad Hoc Committee on health insurance has directed the process of taking proposals on health insurance. It received proposals from seven agents/third party administrators. After careful review, the Committee made their recommendations to the Commission as follows:

- a) The County continue partially self-insured
- b) That Intermountain Benefit Administrators continue as the County's Third Party Administrator
- c) That the funding level for the plan for county employees be at the rate of \$500 per family and \$195 per single; and \$555 per family and \$214 for single for other division participants under the plan.
- d) That a one-time lump sum injection of money go into the fund to bring it back to its original funding level.
- e) That a "wellness" program be implemented to enable early diagnosis of serious conditions:

That the following examinations would not be subject to deductible; they would be paid at 100%; that there be a "cap" of \$250 and that there be a co-pay of \$10:

Prostate examination (psa/colo-rectal)  
PAP examination  
Mammography  
Physical examinations

- f) That the current deductible of \$100 per family member/\$200 per family remain the same.
- g) That the age limit for covered children dependents be defined to lose coverage at a single age of 26 as defined by the IRS.

Motion was made by Commissioner Randy Johnson to approve the recommendations of Ad Hoc Committee on Health Insurance as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(12)

COMMISSION REPORTS

Commissioner Bevan Wilson:

1. He noted that the Utah Tax Commission has informed the Commission by letter that all centrally assessed property owners in Emery County have appealed their 1995 evaluations.
2. He indicated that the Youth Corrections would like to reactivate the Board members. Previously from the area were Mark Justice and Phillip Nelson. Commissioner Randy Johnson will work with Mr. Gardner in making some Emery County recommendations.
3. He noted that he has received considerable comments in regards to fencing off the campground at Fuller Bottom. He further requested a representative from the BLM to look into an exchange of ground with DWR in hopes of maintaining or developing a continued camping area there.

Commissioner Randy Johnson:

1. He noted that the swim team which the County partially funded involving 8 young people from the County who participated in the Summer Olympics in Cedar City came back with four medals.

Commission Chairman Kent Petersen:

1. He informed the commission that the Castle Valley Arts and Humanities is looking for a representative from Emery County. Janet Petersen has served there. He informed those present that if anyone knew of others who might be interested, to advise him.
2. He noted that the public hearing last week on Millsite, although it was not largely attended by Ferron, that there is an extreme amount of interest in regards to it. There is a meeting with the Ferron City Council to which the BLM has been invited on July 11.
3. He reported that himself and Commissioner Randy Johnson travelled to Washington to testify in subcommittee hearings on the wilderness bill. He noted there is a lot of interest. It was the Commission's hope that they would support Emery County's proposal.

(13)

OTHERS BUSINESS

Leslie Bolinder informed the Commission that Bill Orton will hold a Town Meeting on July 14 at 10:00 a.m. in Castle Dale.

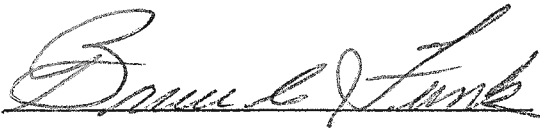
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(14)

MEETING ADJOURNMENT

Motion to adjourn the meeting was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson at 11:45 a.m. Motion was 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

July 19, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:06 p.m.

(1)

EMERY COUNTY ECONOMIC DEVELOPMENT ACTION PLAN

Norm Dingman discussed the Emery County Economic Development Action Plan presented to the Commission. He recognized the Chair people as follows: Carol Ware over beautification, Mike McCandless over infrastructure, John Healey over the environment, Vernell Rowley over agriculture, Kent Wilson over business recruitment, Warne Linton over travel and tourism, and Norm Dingman over business retention and expansion.

Mr. Dingman recognized the support from Bob Springmeyer and his assistant, Brook Williams. He indicated they have provided the direction in putting the plan together. Mr. Springmeyer noted that the plan is Emery County's plan and their contributions have primarily been secretarial and giving direction based on experiences they have had elsewhere. It is a good plan.

Forest Supervisor, Charlie Jankiewicz recognized that the plan is a very good one. Some of the proposals should be presented to the Forest Service for possible funding in future years.

Those present recognized Economic Development Director, Rosann Fillmore as the primary driving force. She, in turn, expressed appreciation to others who have served.

Also in attendance were Paula Wellnitz, Carol Ware, Sylvia Nelson, Connie Nelson, Carolyn Randall and Vernell Rowley. Also recognized were the efforts of Wes Curtis and Ed Meyer.

Whereupon, motion was made by Commissioner Bevan Wilson to adopt the Emery County Economic Development Action Plan as presented. He expressed appreciation to those who participated and their efforts. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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(2)  
REPORT FROM UTAH SUMMER GAMES SWIM TEAM PARTICIPANTS

A large number of youth, parents and advisors were in attendance. They previously received a contribution from Emery County in order to participate in the Utah Summer Games as a swim team. The Commission was advised that the participants had six weeks to prepare. They did a lot of work in a short time. They expressed appreciation for the Commission support. Events were discussed. They do plan to continue in the future. They have also requested that the High School look at a swim team. Several of the participants were present with their medals.

The Commission expressed appreciation to those who direct the activities as well as the parents and to the participants for a job well done.

(3)  
FOREST SERVICE REPORT

Forest Supervisor Charlie Jankiewicz reported on the Forest activities. He noted that all sheep and cattle allotments are allowed on the Forest except in the higher country which they will open up in the next couple of days. He expressed appreciation for the excellent cooperation between the livestock owners and other agencies.

He indicated the draft EIS on the South Manti Timber salvage sale is complete. It is expected to be released in the next two to three weeks. There will be a 90 day comment period which will result in the sale taking place next year. It is hoped this will be an economic benefit to the County. He also advised the Commission that work will begin on the Ferron Reservoir on Monday, July 24. It is hoped the work can be completed this year. It is under the direction of DWR.

He reviewed the Stewart Guard Station project. He indicated he had met with both Sanpete and Carbon County Commissioners. They have agreed to support as well as provide some funding.

He advised there is a new employee, Dave McNeil, who will be in the Ferron Forest Service office. He will be primarily responsible for recreation and maintenance. He discussed the low water boat ramp to be constructed at Joe's Valley Reservoir. They have now received funding. They would like to complete other improvements in Joe's Valley area at the same time.

(4)  
BLM UPDATE

Penney Dunn, gave an update to the Commission in regards to Millsite State Park and the previously discussed need to close off certain portions of the area. She informed that because of historical use the BLM will look to a citizens committee from Ferron to develop a plan.



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BLM Update, cont. . . .

Also discussed was a recent visit with herself, DWR, the Commission and other interested people to the Fuller Bottom area. Wherein, consideration needs to be made in improving the parking area as well as horse tie ups and other improvements. She discussed the Buckhorn Pictograph panel in which restoration is almost completed. It is set to be dedicated on September 23. The BLM will have a new office and expect to be located in that building in approximately 30 days. It is located at 125 So. 600 West in Price. She also discussed the habitat management plan, oil and gas activities between the area of the Forest and Highway 10 in the Ferron sandstone formation. There will be a meeting on August 17 at 10:00 a.m. where all lessee's are invited as well as County and other interested individuals. She noted that their plan does not provide for the activity that is anticipated.

In regards to the "Take Pride in Utah", 25 young people will spend a week working in the Justesen Flat area in September.

(5)  
DWR REPORT

Miles Moretti reported to the Commission, indicating that some of the items previously discussed by the Forest Service and the BLM, they have been involved with and have been sufficiently covered. He reviewed the permits for the deer and elk. He again reviewed the Ferron Reservoir situation.

(6)  
BAILIFF CONTRACT RENEWAL

Sheriff, Lamar Guymon presented to the Commission for their consideration the bailiff contract renewal for bailiff services provided in the Seventh District Court. This is to reimburse the County to a maximum of \$4,500. This is the same as previous years.

Whereupon, motion was made by Commissioner Randy Johnson to approve the Memorandum of Understanding, Contractual Agreement #921389 as compensation to the County not to exceed \$4,500 for bailiff services. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)  
BABE RUTH DONATIONS

The Commission has received a request for donation from the Utah South Babe Ruth State Champions. These are the 9 and 10 year olds. Also received was a request from the 16 and 17 year old Babe Ruths. Both groups are to participate in a western tournament. Whereupon, motion was made by Commissioner Randy Johnson to contributed \$100 to each group. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

ROAD DEPARTMENT BUSINESS

Road Superintendent, Rex Funk presented to the Commission for their consideration the following project acceptances:

A) Ephraim Switchbacks - This was a stabilization project #50811. It is basically complete. They are presently monitoring the situation. Costs for the project are at \$26,449.40. Sanpete County has paid 50% of that sum.

B) Buckhorn Petroglyph Panel - This was project #33209. This is being completed at a cost of approximately \$62,656. He noted that this project has been satisfactorily completed.

Whereupon, motion was made by Commissioner Bevan Wilson to accept the two projects as discussed. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)

EMERY COUNTY OIL AND GAS LEASES

Emery County having received leases on 2.3 acres of Emery County property. These in the Huntington area. County Attorney, David Blackwell noted that these are similar to previous documents wherein they have improved the language in that Emery County does not warrant title. A bank draft was also presented to the Commission. However, Treasurer, JoAnn Behling suggested that the County request a check in that to redeem drafts is an additional expense to the county. After further review, it was uncertain as to where the property was located. Therefore, this matter would be referred over to County Attorney, David Blackwell and Recorder, Dixie Swasey to review this to be discussed at the next Commission meeting.

(10)

UTAH PIONEER SESQUICENTENNIAL CELEBRATION COUNCIL

Commission Chairman Kent Petersen reviewed a letter he had received from the Utah Pioneer Sesquicentennial Celebration Council which commemorates the arrival of the pioneers into the Salt Lake Valley. They were inquiring of the County if they were interested in using logos, applying for grants and other matters.

After further discussion, it was the consensus of the Commission that this be referred to the County Centennial Commission.

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(11)

UTAH TAX COMMISSION SPEAKERS BUREAU

Commission Chairman Kent Petersen advised that by letter, the State Tax Commission has offered to come to Town meetings and other meetings and to schedule speakers. Recorder, Dixie Swasey suggested that the more local people are informed on taxes, the better. Auditor, Ross Huntington was asked to help out and to get more information.

(12)

NACO RADON GAS COORDINATOR

Commission Chairman Kent Petersen reviewed a letter received from NACO, making the County aware of the radon gas testing. This matter was referred to Civil Defense Director, Bryant Anderson as well as Sheriff, Lamar Guymon. The Commission tabled this matter until further notice.

(13)

COAL BED METHANE GAS PROJECT

Economic Development Director, Rosann Fillmore reviewed for those present the field trip sponsored by the Utah Geological Board. This in regards to the Ferron sandstone in which they had toured the area with people from the petroleum industry and others. She noted that they recognized this as a preferred area for oil and gas exploration. The Ferron sandstone goes from Castle Gate to Sevier County.

(14)

CONTRACT FOR ECONOMIC FEASIBILITY STUDY

Economic Development Director, Rosann Fillmore reviewed the contract with the State. Wherein, the State is providing funding on a matching basis for an economic feasibility study. The County match is \$10,000. Those monies are to be taken from her budget.

Whereupon, motion was made by Commissioner Randy Johnson to approve the contractual agreement for the economic study with the Utah Development of Business and Economic Development. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

ELECTION TECHNOLOGY COMPANY - SOFTWARE PURCHASE AGREEMENT

Clerk, Bruce C. Funk reviewed with the Commission the software purchase and license agreement between Emery County and Election Technology Company. This is as a result of the National Voter Registration Act. Wherein, Counties are required to provide additional reporting to the State of Utah as to agencies registering people and the number as well as direct communication with a State voter registration data base. All software, installation, training, etc.,

Election Technology Company, etc. . . .

expenses are paid by the State of Utah. The only cost incurred by the County will incur the second year. However, Mr. Funk would like to review any additional costs such as installation fees which were not clear. Therefore, the County would be responsible for purchasing of the computer and its basic software which would range from approximately \$2,500 to \$3,000. This money to come from his budget.

After further discussion, motion was made by Commissioner Randy Johnson to authorize himself and the County Clerk to meet and discuss further and authorize him to proceed once consensus has been reached. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)  
AUDITOR'S BUSINESS

Deputy Auditor, Terry Williams presented to the Commission for their consideration Warrant/Check Edit List #82865 through and including #83039 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
65	Laser Printer & kit - Economic Development	39.00	Approved
66	Computer System - Economic Development	2,542.00	Approved
67	MacIntosh CD - Economic Development	2,641.00	Approved
68	Okidata Fax Machine - Special Projects	1,519.00	Approved
69	Mobile radios & scanner - Road	1,490.00	Approved
70	Road Runner trailer - Road	500.00	Approved

Motion was made by Commissioner Bevan Wilson to approve all warrants for payment and requisitions for purchase. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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July 19, 1995

(17)  
COMMISSION MINUTES

The minutes of the July 5, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

(18)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

A) Auditor - Request is made to approve a merit increase for Shellee Allred from Step 6 or \$8.19 per hour to Step D or \$8.35 per hour effective July 19, 1995. Shellee is currently on a Grade 6 and will remain on the same Grade.

B) Weed & Mosquito - Request is made to approve the transfer of Jerry Hatch from the Road Department to the Weed and Mosquito Department at his current wage, Grade 10, Step D or \$9.87 per hour, effective July 20, 1995.

Additionally, approval is requested to ratify the appointment of Jerel Lofley in the "up to 90 day" category of temporary worker at a wage of \$8.25 per hour effective June 4, 1995.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the merit increase for Shellee Allred, the transfer of Jerry Hatch and the appointment of Jerel Lofley as presented. Motion was approved by all members present.

C) Road Department - Approval is requested to ratify the in-house recruitment of an Operator I to fill the vacancy left by the transfer of Jerry Hatch. The recruitment began July 10 and ended July 14.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to ratify the in-house recruitment for an Operator I as requested. Motion was approved by all members present.

D) Performance Appraisal Program - Request is made to approve beginning a standardized performance appraisal program. The program will begin July 20 with employees in each department being interviewed with respect to their job description. At this interview, goals and the standard of performance will be set. Beginning September 18, supervisors will begin to conduct performance appraisals for each employee. The first part of October the appraisal period will end.

After discussion, it was the consensus of the Commission to support the performance appraisal program for Emery County.

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(19)

COMMISSION REPORTS

1. Commissioner Randy Johnson reported that he has received inquiries from SIS as to ongoing training through the school, which is providing that. There is also interest in seeing what the County would do.
2. The Commission also recognized that a CIB meeting held today in Castle Dale, that the presentation done by Darrel Leamaster was outstanding and noteworthy. They commended him on his presentation.

(20)

MEETING ADJOURNMENT

The meeting adjourned at 9:10 p.m.

ATTEST



CHAIRMAN



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

August 2, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:02 a.m.

(1)

LION'S CLUB - COUNTY PARTICIPATION IN THE MISS EMERY COUNTY PAGEANT

Willie Frisbie, President of the Castle Dale Lion's Club, accompanied by Emery Jones came before the Commission to discuss the Miss Emery County Pageant which they have sponsored the last 15 years. It provides the opportunity to recognize Emery County girls and their talent to represent the County at several functions. Amongst those are the Miss Utah State Fair which takes place in September and the Miss Utah in June. They are both affiliates of the Miss America contest for which the Lion's Club has the franchise. That franchise fee is \$400 to \$500 per year. These events are very expensive to the participants. Therefore, they as a group with donations cover some of the other costs as well as scholarships and computer systems to the winners. Many of the donations are solicited from businesses in Emery County. He estimated the cost annually to sponsor the pageant, etc., is \$4,000 to \$5,000. His request of the Commission was a current contribution plus consideration for an annual contribution to be budgeted by the County.

After further discussion, motion was made by Commissioner Randy Johnson to donate \$500 to the Lion's Club for the Miss Emery County Pageant expenses. These funds to come from Dues and Contributions and are without specification to which area of the pageant they are to be used. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

BUSINESS LICENSE APPROVAL

Clerk, Bruce C. Funk presented to the Commission for their consideration the business license application for Carren Durfee for the business of Carren's Ceramics in Elmo. This has been approved by Planning and Zoning Director, Bryant Anderson.

Whereupon, motion was made by Commissioner Bevan Wilson to approve to business license for Carren Durfee as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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(3)

APPROVAL OF THE FISCAL YEAR 1996 SOUTHEASTERN UTAH AREA AGENCY CONTRACT

Maughan Guymon, Director of the Emery County Area Agency on Aging presented to the Commission the annual fiscal year contract for the Southeastern area program. He noted that there are more State monies provided this year. This is because of successful lobbying efforts by their group and the Utah Association of Counties.

Auditor, Ross Huntington inquired of any additional cost to the County. Mr. Guymon responded that approximately \$900 additional cost as the County's matching share.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the contract as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

CITIZEN CONCERNS

A) Courthouse Carpet Project - Members of the courthouse carpet review committee came before the Commission to give their recommendation and to receive further direction. Provided to the Commission were the carpet proposals received. Reviewed were the proposals from Midwest Office who has the State bid, Earl's Bargains in Huntington, Dennis Jones in Elmo and Sherwin-Williams. No proposal was received from Mortensen's Carpet in Price. Samples had been provided by these businesses for the committee's review. However, it was the committee's recommendation that the Commission look into a better quality carpet and that consideration be given to looking into the Millican line of carpets, realizing these are substantially more per yard. Reviewed were the cost per yard, the installation costs, cost for removing the old carpet, hourly rates for furniture removal and return.

It was further the groups recommendation that the County organize a small crew that does the furniture removal and replacement with possibly Lee Rasmussen being responsible for the Data Processing equipment in each of the locations.

Carpet costs from Midwest Office ranged, including installation without cost for base installation, were \$23,920 up to \$46,874; Earl's Bargains were at \$27,531 up to \$36,041; Dennis Jones was \$30,360; Sherwin-Williams was \$19,642 to \$32,292. These do not include pad.

It was the committee's recommendation that the Commission use the bonded urethane backing. It was noted that this is approximately \$4.00 per yard, realizing that it will not have the cushion that the present courthouse carpet has, but that the life of the carpet will be extended. It was further requested of those submitting proposals that they indicate previous jobs of this magnitude for County inspections. It was further noted that the local



Courthouse Carpet Project, cont. . . .

suppliers were unable to do so. It has been further recommended by independent carpet advisors that installation be done by commercial installers. Therefore, the Commission would need to consider this in their final decision.

Therefore, it was the Commission's direction to the Committee to pursue the better quality type carpets and that the Committee meet further to reach a consensus as to the quality of carpet, manufacturer and then possibly resubmit that as a specification for final bidding with special consideration being given to local vendors if they can meet the requirements.

B) Huntington State Park concession stand - Ann Curtis addressed the Commission in regards to the County concession stand located at the Huntington State Park. She noted its poor condition and that there is no flooring, it needs perfataping, windows and doors need sealing and a new countertop. She had received a bid from Bob Allen out of Orangeville for \$2,800 to complete the concession stand. However, Commissioner Bevan Wilson questioned as to whether the concession stand was an ongoing project. It was his understanding that the program was not really working well. After further discussion, it was the consensus of the Commission that because there is no urgency to make the repairs, that consideration be given after Labor Day. The Commission needs to consider further the County's involvement in the concession stand and that consideration be given to using the recently hired County maintenance crew to make those improvements.

(5)  
OIL AND GAS LEASE

This having been discussed in the previous Commission Meeting, it was the request of the Commission that Recorder, Dixie Swasey review the location of the parcel of land of which the County is being requested to lease the oil and gas minerals. She advised the Commission that it is located outside of Huntington and that it appears it was possibly part of a road right of way. Therefore, after further discussion, motion was made by Commissioner Bevan Wilson not to accept the proposed lease agreement as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present. It was further recognized that should circumstances change that the Commission could reconsider the matter at a later time.

(6)  
PARTIAL BOND RELEASE FOR CO-OP MINE COMPANY

The Commission briefly reviewed the request from the Co-Op Mine Company to release a portion of the bond they had described in their letter. However, the Commission questioned whether the County had the bond or whether they were listed as an interested party. Therefore, they tabled this matter and asked that the County Attorney's office investigate it further.

(7)  
CASTLE DALE CITY REQUEST TO PURCHASE SURPLUS ROAD GRADER

Received was a request from Castle Dale City to purchase a surplus road grader from the County Road department. Carol Ware indicated that Road Superintendent, Rex Funk has reviewed the matter with representatives from Castle Dale and that he is comfortable trading the grader for the amount they have offered. However, the Commission requested this matter be tabled for the present until the new graders arrive.

(8)  
ILLEGAL DUMPSITES - BEAUTIFICATION COMMITTEE AND CITY INVOLVEMENT

Commissioner Randy Johnson reviewed a request for dumpsters at designated areas. His emphasis was to the Commission and to those on beautification committees, cities and interested individuals that the County is currently looking at designated sites for dumpsters. However, he recommended to those parties who are interested that these matters need to go through Road Superintendent, Rex Funk and Commissioner Bevan Wilson in that they have an ongoing process to permit such sites and should coordinate any efforts by other individuals or groups.

Commissioner Bevan Wilson indicated that they have identified 14 illegal dumping sites. They are working with the cities and the BLM to close those sites as well as sites located on property owned by other individuals. As they look at the sites in those localities, citizens will be notified for public input and involvement. He again emphasized that this should be done through the Road Superintendent. He noted this is major on-going problem and it is an extensive permitting process. Therefore, in conclusion, Commissioner Randy Johnson again emphasized County support and recognized local involvement and the need to work through the County Road Department.

(9)  
AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #83098 through and including #83236 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
71	OKI 2200 Fax Machine - Commission	1,448.00	Approved .

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve all warrants for payment and the requisition for purchase. Motion was approved by all members present.

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Auditor's Business, cont. . . .

A disposition of fixed asset form for a Okidata 2100 Fax Machine, Serial #217476, fixed asset #005186 from Reappraisal was presented for Commission consideration. This fax machine was extensively damaged from water leaking through the ceiling during a rainstorm and the machine would be too costly to repair. However, Insurance Director, Pat Snowball will be making an insurance claim. The machine has since been replaced.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the disposition of the Okidata 2100 Fax Machine from Reappraisal as requested. Motion was approved by all members present.

(10)

COMMISSION MINUTES

The minutes of the July 19, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Bevan Wilson to approve the minutes as approved. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) County-wide Maintenance - Steve Feuers who worked as the assistant to the County-wide maintenance technician has terminated his employment with the County effective 7-25-95. Appointed to take his place is Adam Robison who began working 7-25-95 at the rate of \$6.00 per hour. This is the "up to 90-day" category temporary worker.

B) Road Department - Request approval to hire Jeannette Leffler as an Operator I, Grade 7, Step A \$8.16 per hour effective August 3, 1995. This will fill the vacancy left by the transfer of Gerry Hatch from the Road Department to the Weed & Mosquito Department.

If the Department wishes to begin the recruitment process to fill the "up to 90-day" temporary vacancy left by Jeannette Leffler, request is made at this time to approve that action.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the hiring of Adam Robison and Jeannette Leffler as requested and to approve the recruitment process to fill the remainder of the "up to 9-month" position in the Road Department if the department and Commissioner working with the Road Department requests the same. Motion was approved by all members present.

(12)

COMMISSION REPORTS

## Commissioner Randy Johnson:

1. He discussed the recent Court ruling for controlling the beetle on the Forest. This is significant in light of the local forest beetle control which was mentioned in the previous Commission meeting.
2. He was contacted by the Mayor of Green River expressing appreciation to the Road Department and Commissioners involved for improvements made at the Golf Course and other locations by the Road Department.
3. He has met with Clerk, Bruce Funk concerning the agreement submitted by Election Technology. All parties had agreed that it was in the best interest of the county to proceed and they have been assured by the Attorney's office that the County would not be liable for any costs should they decide to terminate that agreement at a later date.
4. He also discussed the Southeastern Utah Health District which advised him that they have received bids for improvements at the Health District building owned by the County and leased by them. Those costs cover wall construction, carpet, heating and cooling. The cost for the bids total approximately \$25,000. The Commission, therefore, directed Auditor, Ross Huntington to include this as part of the capital projects, amending the amount to an additional \$30,000 to cover those expenses to be recovered by the County through the lease agreement.
5. Also mentioned to the Commission was the existing tire ripper at the Bear Creek Campground. He indicated that he and the Clerk feel it would be in the best interest of the County to render those tire rippers inoperative as they serve no purpose. It appeared from the discussion, it was the consensus of the whole commission and their direction to the Road Department that when a welder is in the area that they render the tire rippers inoperative, either by tack welding or laying a piece of sheet metal over them and securing it.

## Commissioner Bevan Wilson:

1. He reviewed a recent meeting which he attended in Price. This included mayors and others who are recipients of community impact funds. Wherein, they outlined the policies and procedures for future application. The Commission concluded that there was a need to set up a meeting with the recipients in Emery County and that a board be set up as requested by the CIB. This is to be done by October 15 and that the current projects be placed on that list as well as a future project.

Commissioners Reports, cont. . . .

2. He continued in that the BLM has provided notice that they have amended the San Rafael Resource Management Plan. It is scheduled to go into the Federal Registry. Wherein, the Commission will have 30 days after that to respond. This primarily deals with land exchanges and mining. The new activities in oil and gas will be handled separately.
3. He also reviewed a letter dated July 18, 1995, from the Forest Service in regards to the Emery County Communications site. Wherein, such communications sites need to be formally declared and that they include a site plan which outlines operating principles and requirements of the site. They informed the Commission that they currently have no designated communications sites on the Manti Lasal Forest. He pointed out that it is imperative that the plans and designation of the sites be completed as soon as possible.

He recognized that this would require the immediate consideration by the Sheriff's office, Bret Mills, The Commission and the Attorney's office and that this be done as soon as possible.

Commission Chairman Kent Petersen:

1. He discussed a recent meeting on the spotted owl. He noted that discussed was the mexican spotted owl which is being looked at for placement on the endangered species list. It appears there are none in the County. He noted this is being considered in order to prevent timbering of the old growth forest.
2. He discussed Ferron Reservoir. DWR is again starting construction there. The project is to be completed within six weeks. Head officials from DWR as well as their deputy assured him that the dam is fixed and is structurally sound and that any further leaks would not necessitate any further breaching. The reservoir will fill next year.

(13)

OTHER BUSINESS

A) Sheriff's Business - Sheriff, Lamar Guymon informed the Commission that the County has a couple of items in surplus property. One of those is a military truck and the other a military ambulance. These are extremely old. He has been contact by a National Guard unit out of Springville which is interested in restoring those for parades and such. The Commission took no action in this matter until title, ownership and disposition according to policy is followed.

Other Business, cont. . . .

B) Don Torgerson, Wayne County Sheriff - The Commission reviewed a memo received from Pam Hendrickson noting that Wayne County Sheriff, Don Torgerson suffered a massive heart attack and must have a heart transplant. Sheriff Torgerson has had installed in him an L-VAD device which will keep him alive until a donor can be found. Cost to the family even with insurance payments is expected to be \$350,000.

Whereupon, motion was made by Commissioner Randy Johnson to approve the donation of \$100 to Don Torgerson as discussed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

C) Ferron Peach Days - Noted was a request from Ferron Peach Days for assistance. No action was taken in regards to this matter at this time.

(14)

MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 11:05 a.m.

ATTEST



CHAIRMAN



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

August 16, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

(1)

PUBLIC HEARING - AMENDING THE EMERY COUNTY GENERAL FUND, CAPITAL PROJECTS FUND, RSVP FUND, ECONOMIC DEVELOPMENT FUND AND LIBRARY FUND BUDGET FOR 1995

At this time, the Commission turned the meeting over to Auditor, Ross Huntington to outline the changes necessitating amending the budget. Mr. Huntington reviewed that over the past several months a committee has been looking into the declining reserves in the health insurance fund and have come back with a recommendation which the Commission adopted. This would require funds to be deposited in that internal service fund in the amount of \$26,894.06, from which \$25,210 will come from the General Fund balance of the County. The Library fund to cover the library employees would transfer \$1,683. \$187.00 for RSVP. \$187.00 from Economic Development for the total of the \$26,894.06. Because of the upcoming courthouse carpet project, the Commission further requested that \$50,000 be taken from the fund balance and placed in the Capital Projects. Also, \$30,000 to cover renovation costs of the Southeastern Utah Health District building in Castle Dale. Those costs would later be reimbursed back to the County through the lease agreement. \$160,000 is to be taken the Library fund and transferred to the General Fund to cover the construction of the library in Huntington. Those funds would be replaced from the Library fund balance. Total adjustment to the overall County budget would be an additional \$265,210, making the total Emery County Revenue and Expenditure budget of \$8,762,086. He also noted that the salary and benefit package for Cheryl Keener in the Green River office has been under the Assessor's office. She is presently under the supervision of Judge Burns. Therefore, considered is transferring those payroll costs in the amount of \$28,819 from the Assessor's department to the Personnel department. Those costs and budget have been transferred to the personnel department.

The Commission inquired if there were any other comments. There being none, the Commission closed the public hearing at 6:16 p.m.

Because consideration of approval of the Resolution had not been placed on the agenda for consideration at this time, it was the recommendation and motion of Commissioner Bevan Wilson to table any further action on this matter at this time and it be given consideration at the next Commission meeting for approval. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

2  
Commission Minutes  
August 16, 1995

(2)  
UTAH POWER UPDATE

Tom Alexander, from the Utah Power office in Price, Utah, came before the Commission to give them a quarterly update. He noted that the 69KV line up to Trail Mountain is finished. The 25KV Rilda Canyon should be done by the end of the month. He discussed cutbacks at the plants and in the offices. He noted that these cutbacks are in an effort to make Pacificorp more competitive in the future. Their quarterly dividend stocks are .27 cents for a common share.

(3)  
GREEN RIVER CITY REQUEST TO BE INCLUDED IN THE CASTLE VALLEY SPECIAL SERVICE DISTRICT

Judy Ann Scott, Green River City Mayor, together with Councilmembers Richard Seeley, Blaine Silliman and Arthur Hughes, came before the Commission requesting Commission consideration and approval to be included in the Castle Valley Special Service District. Mrs. Scott indicated that in her last meeting with the Castle Valley Special Service District that approval would be required of both Utah Power and Light and the Commission. She noted that Darrel Leamaster of the Castle Valley Special Service District and Craig Johansen of Johansen and Tuttle Engineering have picked up records but have never gotten back with them. Their concern is that with changes in the Community Impact Board and the required prioritization of projects, it would be easier to get project approvals if they are included as part of the Castle Valley Special Service District.

Commissioner Bevan Wilson indicated that he would be pretty much in favor.

After further discussion, motion was made by Commissioner Randy Johnson to recommend the Castle Valley Special Service District investigate the feasibility of Green River being included in the Castle Valley Special Service District and begin the action necessary to include them. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)  
REPORT ON THE 1995 COUNTY FAIR ACTIVITIES

Emery County Fair Chairman, Sharon Earl came before the Commission indicating that at the present time there is no financial report available. They are yet receiving bills associated with the fair. She noted that the rodeo did very well, however, the fair as a whole will be in the hole. The horse races were cancelled due to rain and rescheduled for September 23. She thanked Green River for their participation and involvement this year. She indicated that the fair was great. She expressed appreciation to Emery Telephone for including a fair bulletin with the phone bills. They had approximately 50 vendors. Most of the vendors on the Saturday activity completely ran out of their product. There were a lot of people and new things. They doubled the



1995 County Fair, cont. . . .

attendance at the concert over last year. The family passes helped. There were over 90 participants in the River Bottom Run. There was an open swim in Castle Dale and the car show which drew a large number of people. In conclusion, she pointed out that it takes more money than what is budgeted to run the County Fair and asked that the Commission consider that at budget time. She indicated she will be back at a later time with a more complete financial report. She also discussed that she is looking into a carnival for next year. Further appreciation was expressed to Castle Dale City for the use of their facilities and employees.

(5)

EMERY COUNTY CHAMBER OF COMMERCE - RECOGNITION AWARDS

Linda Jewkes of the Emery County Chamber of Commerce came before the Commission indicating that she receives several notifications of different awards available on a state basis. These cover a number of areas of recognition. She felt like there was a number of people in the County who could be recognized. Her recommendation to the Commission was to establish a committee which would make recommendations and recognize local individuals for these awards.

The Commission inquired if these could be done through another already existing committee. After further discussion, it was the recommendation that Ms. Jewkes and Economic Development Director, Rosann Fillmore discuss and bring a recommendation back to the Commission.

(6)

DISCUSSION OF INTERNET PROPOSAL

Assessor, James Fauver reviewed with the Commission a previously submitted copy of the proposal regarding Internet installation in the County. He noted that the State has provided into the Courthouse a line for that service. The only cost to the County would be the \$18 per month per terminal plus the wiring and upgrade of the main computer. He discussed the advantages in that this would allow communication by E-mail. He discussed the purpose in the State promoting the program. The total cost is anticipated at \$5,000 initially. The monies would come out of the capital replacement fund.

Commissioner Randy Johnson noted that it appears to be inevitable. However, there is a \$200 per month maintenance cost as part of Mr. Frisbee's proposal. Discussed were that these funds be taken from the Special Projects Fund. Auditor, Ross Huntington noted that there is not a second proposal and preferably they would like to deal with a local supplier who can maintain and service the Internet equipment. Those present were not aware of others who provide this type of service.

Internet, cont. . . .

After further discussion, because of possible insufficiencies in that fund, in light of these projects, that a public hearing be set for the next Commission meeting to increase the Capital Replacement Fund for these projects.

While discussing the special project fund, Commissioner Bevan Wilson noted that the maintenance crew who have been working at the Huntington Airport will now move to the Ferron Senior Citizen Center for renovations there which are also included in the Special Projects Fund.

(7)

ECONOMIC DEVELOPMENT BUSINESS

Economic Development Director, Rosann Fillmore presented the following for Commission consideration:

- A) TAF - She informed the Commission of the projects the TAF Board had been working on. One of which was the coal resin study by the University of Utah. Funding for that project has since been eliminated by changes in that funding program through the Community Impact Board.
- B) CEU - They want to provide an extension center in Emery County and they will continue looking into that matter. She further noted that CEU in going to the Community Impact Board needs a show of support from Emery County. They will be doing a survey.
- C) Board Member Appointment - She recommended that Michael Gibbons of Four Corner's Mental Health be appointed to the TAF Board. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to appoint Michael Gibbons to fill that position on the TAF board. Motion was approved by all members present.
- D) Transient Room Tax - Resolution 8-16-95A - She further recommended the approval of Resolution 8-16-95A. Wherein, said Resolution creates an Emery County Travel Bureau and designates the use of the Transient Room Tax revenues. Wherein, the Emery County Travel Bureau in the future would receive the Transient Room Tax revenues. It also allows for them to join with Carbon County in reorganizing the Castle Country Travel Council and allow for contributions as deemed worthy there.

After further review and consideration, motion was made by Commissioner Bevan Wilson to approve the Resolution 8-16-95A as amended and authorize Commission Chairman Kent Petersen to sign the same after corrections are made. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Economic Development, cont. . . .

E) SIS Request for Training Assistance - She informed the Commission that Satellite Image Systems is planning to expand by some 200 employees. There is a need to train future employees on the keyboard, software and health care terminology. She would like County assistance. In looking into the school and other areas, they are short facilities and budget to provide this training. She recommended that upon reviewing this with various agencies that she consider State Intensive Training.

Commissioner Randy Johnson discussed the school district's involvement in that facilities are available and would proceed, but they have not been guaranteed the minimum enrollment. It was further noted that SIS would teach the first three classes.

It was Commissioner Bevan Wilson's recommendation and consensus of the Commission that they be allowed to look into this further and give it consideration at a later time. They do recognize the need to support and get all parties together.

F) UDOT Deed - She presented to the Commission the deed from UDOT transferring a portion of the Industrial Park owned jointly by Emery County and Huntington City to UDOT to allow for road improvements and expansion in that part of the Industrial Park on Highway 10. Their offer to the County is \$2,900. Recorder, Dixie Swasey, together with County Attorney, David Blackwell have reviewed the descriptions. Although their legal description terminology does not coincide with that of the county's they are both comfortable in recommending approval to the Commission. The payment would be made both to Huntington City and the Economic Development. It does reimburse the parties for improvements made at the park.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the UDOT deed as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

CITIZEN CONCERNS

A) Lease on Clawson Motocross Track - Commission Chairman Kent Petersen acknowledged receipt of a lease agreement which extends the lease by Emery County on the Clawson Motocross race track. This was discussed in a previous Commission meeting. This is a five year lease. During the five-year period, Emery County will make application for a patent on that property.

Whereupon, motion was made by Commissioner Bevan Wilson to accept the renewal of the lease agreement on the Clawson Motocross track. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Citizen Concerns, cont. . . .

B) Centennial Commission - Religious Coordinator - Commission Chairman Kent Petersen received a request from the Centennial Commission requesting the appointment of Joe Kuefler as the religious coordinator on the Emery County Centennial Commission.

Commissioner Randy Johnson expressed some concern in that this is a Centennial Statehood celebration which was brought about by Mormon pioneers and Mormon's represent 90% of the affiliations. Although he has no concern with Mr. Kuefler, there is a need to realize the religious significance of the event.

However, after further discussion, motion was made by Commissioner Bevan Wilson to approve the appointment of Joe Kuefler as the Religious Coordinator on the Emery County Centennial Commission. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

Jerilyn Mathis, who recommended and supported the appointment of Joe Kuefler also informed the Commission as to assignments on the Centennial Commission as well as projects. She discussed projects both locally and state-wide. There is another meeting set up for August 30 at 7:00 p.m. in the Commission Chambers.

(9)

BUSINESS LICENSE

Clerk, Bruce C. Funk requested Commission approval of a business license application for Richard Diamond of Huntington, Utah, who wants to do a gunsmithing business called "Dee-Dee's Gun Shop". He indicated Planning and Zoning Director, Bryant Anderson has already approved the business license.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson. Motion was approved by all members present.

(10)

DISCUSSION OF PROJECT AGREEMENT BETWEEN EMERY COUNTY AND THE FOREST SERVICE

Commission Chairman Kent Petersen reviewed discussions with the County Attorney who recommended that the Commission meet further with the Forest Service and revise the agreement. It was noted that their request is that Emery County, while making improvements on Forest Roads presently agreed upon, continue doing the work on those roads which are to be paid back on an hour by hour basis. Therefore, it was the consensus of the commission that this be tabled for further discussion with the Forest Service.

(11)

PARTIAL BOND RELEASE OF CO-OP MINE COMPANY

This matter having been discussed in the previous commission meeting, County Attorney David Blackwell has reviewed the matter with representatives from Co-Op Mining. They have informed him that their requirement was to notify the County and therefore, there is no action required at this time on the partial bond for reclamation on the Co-Op Mine. It was recommended that the Commission not take any action on this matter.

(12)

WAYNE COUNTY REQUEST FOR REIMBURSEMENT ON EMERGENCY SERVICES

Commission Chairman Kent Petersen reviewed a request received from the Wayne County Commission. Wherein, they have requested reimbursed costs for ambulance and search performed outside of their County.

After further discussion, it was the consensus and request of the Commission that before any action be considered on this matter, that they see what those actual costs are and that they review this matter further with Sheriff, Lamar Guymon. Therefore, no action was taken at this.

(13)

ROAD DEPARTMENT BUSINESS

Road Superintendent, Rex Funk presented the following items for Commission consideration:

A) IPA Request for Emery County to Assume the Horse Canyon Road - Mr. Bill Ingles from IPA came before the Commission together with Rex Funk. Mr. Funk indicated that the matter is still unresolved. IPA would like Emery County to assume the Horse Canyon road. The problem in the past has been reaching an agreement over the bridge. Mr. Ingles indicated he has approached the Emery County Special Service District #1. They have agreed to put up \$100,000 to upgrade that bridge as it is part of the Energy Impact Road system.

Mr. Funk pointed out that IPA has submitted a second agreement. They were more comfortable with the first. There are some terms and conditions contained in the second that the County is not in full agreement with. He has reviewed these with County Attorney, David Blackwell who recommends that the present agreement not be signed at this time. Also discussed was that IPA has a deadline with DOGM. The County would like to include in the later agreement wording that guarantees the continued public use of that road as well as other rights. The Road Department does have records showing prior road use and existence by the County. Any future encroachments by IPA on the road would then follow the same permitting process as required by the County encroachment permit.

Road Department business, cont. . . .

Therefore, it was the consensus of County Attorney, David Blackwell and Road Superintendent, Rex Funk that they recommend to the Commission that they not sign the agreement until these details have been worked out. Again emphasized was the August 30 deadline. Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to authorize the County Attorney to meet and review these concerns with Mr. David Little, legal council for IPA and that if an agreement can be reached by all parties that they authorize the Commission Chairman or a Commissioner over the Road Department to execute the final agreed-upon document. Motion was approved by all members present.

B) Crack Sealer - Mr. Funk informed the Commission that he would like to proceed in obtaining bids for a crack sealer for the Road Department. He has monies in his budget. Whereupon, motion was made by Commissioner Bevan Wilson to authorize Road Superintendent, Rex Funk to solicit bids for a crack sealer for further Commission consideration. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

C) Castle Dale City Road Grader - Mr. Funk further reviewed a request from Castle Dale City. They want to purchase a John Deere 672A Road Grader which is in the County maintenance equipment. This is a 1981 grader. He noted that the County will take delivery of the two new graders. One of which will replace this grader next week. Castle Dale has offered \$20,000 which is a fair market value. It was purchased by the County in 1987. It has approximately 7,000 hours. It has light construction and is not adequate for the activities the County Road Department enters into. He further noted that Green River and Ferron have expressed some interest possibly in another grader.

Whereupon, motion was made by Commissioner Randy Johnson to approve the disposal of the grader in accordance with the Emery County policy and thereupon accept the offer from Castle Dale City of \$20,000 for that grader. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

INTERLOCAL AGREEMENT TO ESTABLISH THE PCIFB PROJECT REVIEW BOARD

Commission Chairman Kent Petersen reviewed the memorandum received from the Permanent Community Impact Fund Board (PCIFB), this previously known as the Community Impact Board (CIB). Wherein, they have amended their administrative rules requiring the implementation of a local capital improvement list. This would require that a local group or agency prioritize short-term (one-year), medium term (1-5 years) and long term (5-10 years) projects. The PCIFB will provide a \$5,000 grant. His request of the Commission was approval to

Interlocal Agreement, cont. . . .

establish a Board made up of those agencies which are recipients of this type of funding. They include the COG, Castle Valley Special Service District, Water Conservancy District, the Recreation and Fire Districts.

Roger Warner, Mayor of Castle Dale City, and Chairman of COG made a recommendation to the commission to proceed.

Whereupon, motion was made by Commissioner Bevan Wilson to begin the process and prepare the Interlocal Agreement to be drafted by the County Attorney's office. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)  
AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #83630 through and including #83793 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
72	Recovery Unit - Landfill	895.00	Approved

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve all warrants for payment and requisitions for purchase. Motion was approved by all members present.

(16)  
COMMISSION MINUTES

The minutes from the August 2, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the minutes as corrected. Motion was approved by all members present.

(17)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Assessor - Request for approval to make the following part-time position adjustments: Julie Truman - from 3/4 time to 20 hours per week with pro-rated benefits, i.e., retirement, sick and vacation, on a half-time basis. Her rate of pay will not change. Kris Bell - from less than 20 hours per week to 3/4 time eligible for pro-rated benefits. Her rate of pay will not change.

## Personnel Items, cont. . . .

No action was taken until after Executive Session. (Item #19 of these minutes.) At which time, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the adjustments in the part-time positions of Julie Truman and Kris Bell as 3/4 time employees with Julie Truman to work a maximum of 20 hours per week. Benefits will be rated according to the Personnel Policy. Rates of pay will not change. Motion was approved by all members present.

B) Road Department - Request approval to hire in the "up to 90-day" temporary category, Russell Dull, at a rate of \$8.16 per hour effective 8-17-95.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the hiring of Russell Dull as presented. Motion was approved by all members present.

C) Clerk - Request approval to give the following merit increases: Julie Winn - from a Grade 10, Step H or \$10.69 per hour to a Grade 10, Step J or \$11.11 per hour and Wendi Downard - from a Grade 9, Step H or \$10.2 per hour to a Grade 9, Step J or \$10.65 per hour. Clerk, Bruce C. Funk indicated he has met with other elected officials in the Courthouse and they have reached an agreement and support this, realizing and recommending that others be given the same consideration. They are not in favor of writing new job titles in order to get a decent salary increase. These individuals have not had any merit increase throughout their employment. This is also the same case for a number of others. However, there have been a great number of those who have received a substantial pay adjustment through promotions and reclassifications.

Commission Chairman Kent Petersen indicated that he was reluctant at this time to consider this type of increase.

Commissioner Bevan Wilson felt that all departments be evaluated either by their department head or elected official and that any recommendations for any type of promotion, merit increase, etc., be brought back to the Commission for consideration at budget time. All of which would be effective January 1, 1996.

Commissioner Randy Johnson felt that the commission should support the department head and elected officials who do know their employees.

However, after further discussion, it was the consensus of the Commission to table this matter. The department heads and elected officials are to review this further and make a recommendation on behalf of all of the County employees.



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Commission Minutes  
August 16, 1995

(18)  
LIBRARY BOARD APPOINTMENT

Commissioner Randy Johnson noted that the Library Board has recommended Marilyn Olsen from Elmo to be appointed on that Board. Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to appoint Marilyn Olsen as requested. Motion was approved by all members present.

(19)  
EXECUTIVE SESSION

Motion was made by Commissioner Randy Johnson to adjourn to Executive Session at 9:44 p.m. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. Those present during Executive Session to discuss personnel matters were Commissioners Bevan Wilson, Kent Petersen, Randy Johnson; Personnel Director, Pat Snowball; Assessor, James Fauver; and Clerk, Bruce C. Funk.

The Commission reconvened the regular Commission meeting at 9:57 p.m. with all present.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the personnel request of the Assessor's office. Motion was seconded by Commissioner Randy Johnson and approved by all members present. (Refer to item #17-A for final action of the Commission.)

(20)  
MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 10:00 p.m.

ATTEST Bruce C. Funk CHAIRMAN Kent Petersen

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

September 6, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:07 a.m.

(1)

PUBLIC HEARING - AMENDING THE EMERY COUNTY GENERAL FUND, CAPITAL PROJECTS FUND, CAPITAL REPLACEMENT FUND, RSVP FUND, ECONOMIC DEVELOPMENT FUND AND LIBRARY FUND BUDGETS FOR 1995

Commission Chairman Kent Petersen at this time turned the time over to Auditor, Ross Huntington to review the purpose for amending the budgets. Mr. Huntington outlined the purposes in amending the 1995 budget:

1. Transfer \$28,819 in payroll costs from the Assessor's Department to the Personnel Department.
2. Increase the Capital Projects Budget by \$50,000 to cover costs of the Courthouse carpet project.
3. Increase Capital Projects Budget by \$30,000 to cover remodeling of the Southeastern Utah District Health Building.
4. Transfer \$160,000 from the Library Fund to the General Fund, Capital Projects Fund to pay for the new library in Huntington.
5. Appropriate \$20,000 to the Capital Replacement Fund to pay for various other items and projects.
6. A) Appropriate \$25,210 to cover costs of increased health insurance.  
B) Appropriate \$1,683 from the Library Fund to pay for costs of increased health insurance.

Mr. Huntington pointed out in regards to item #1, this covers Cheryl Keener in the Green River office. This having been discussed in the August 16, 1995, Commission meeting.

Mr. Huntington further indicated that he as a tax payer supports setting aside \$30,000 to cover remodeling of the Southeastern Utah District Health Building.

2

Commission Meeting  
September 6, 1995

Public Hearing, cont. . . .

This would give them a more recognizable main street location and allow for expansion of SIS into the existing Health Building. Those funds would come back to the County during the remaining 30 months of the lease/purchase agreement.

Commission Chairman Kent Petersen inquired if there were any other comments. There being none, closed the Public Hearing at 9:22 a.m.

(2)

CONSIDERATION AND APPROVAL OF RESOLUTIONS TO AMEND THE EMERY COUNTY GENERAL FUND, CAPITAL PROJECTS FUND, CAPITAL REPLACEMENT FUND, RSVP FUND, ECONOMIC DEVELOPMENT FUND AND LIBRARY FUND BUDGETS FOR 1995 - RESOLUTIONS 9-6-95A AND 9-6-95B

A public hearing having been held in regards to amending the County Budgets as discussed, motion was made by Commissioner Randy Johnson to approve Resolution 9-6-95A and Resolution 9-6-95B, amending the Emery County General Fund, Capital Projects Fund, Capital Replacement Fund, RSVP Fund, Economic Development Fund and Library Fund budgets for 1995 as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

RSVP APPROVAL OF CONTRACT AGREEMENT BETWEEN THE SOUTHEASTERN UTAH ASSOCIATION OF GOVERNMENTS AREA AGENCY ON AGING AND THE EMERY RETIRED SENIOR VOLUNTEER PROGRAM AND APPROVAL OF AN RSVP GRANT

Carolyn Randall presented to the Commission for their consideration the annual contract agreement between Southeastern Utah Association of Governments Area Agency on Aging and the Emery/Grand Retired Senior Volunteer Program. The contract period is effective July 1, 1995, through June 30, 1996.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the annual contract agreement as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Also presented for Commission consideration was approval of a National Service RSVP grant #440-P056/15. This covers a grant for administrative cost increases in the amount of \$2,000.

Whereupon, motion was made by Commissioner Bevan Wilson to accept and approve the National Service RSVP grant in the amount of \$2,000 for administrative cost increases. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Commission Meeting  
September 6, 1995

(4)

EMERY COUNTY CENTENNIAL HISTORY BOOK

Sylvia Nelson, the Emery County Centennial History Book Chairwoman, came before the Commission requesting funding for the Emery County history book as well as approval and signing of a memorandum of agreement from the State. She introduced Vernell Rowley who is the President of the Historical Society and his wife Kathleen. President-Elect Jan Petersen, JoAnn Behling and Gerald Hansen were also in attendance. Mrs. Nelson reviewed the advance material provided to the Commission. The Utah Legislature has provided \$150,000 for the first 15 County books to be published. She indicated that Emery County's is in the last chapters. They anticipate going to press at the end of November. They would like to pre-sell the series of books covering all Counties at \$450. Emery County would be the copyright owner of the Emery County edition. The cost to publish is estimated to be \$20,000 to \$22,000. They will cost \$5.50 each and will sale for \$15.00 each until March through arrangements with the publisher. \$2.00 of that sale after the County has been reimbursed for their costs would go to the Historical Society for use in various projects of their choosing, \$5.50 would go to a special fund for larger projects under the direction of the Commission. She further noted that after March 1996, the books would sale for \$19.96 which has been set by the State Historical Society. She would like from the Commission approval of the plan and funding of \$20,000. This is needed in late December or for the 1996 budget. They would also like \$500 working capital to begin the advertising in order to pre-sell the book. She indicated they may need to have some miscellaneous funding at a later time.

Commissioner Bevan Wilson inquired as to drafting of a memorandum of understanding between Emery County and the Emery County Historical Society. After further discussion, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the \$500 working capital and proceed to commit a loan of \$20,000 to the project. These funds to be reimbursed back to the County through an Agreement prepared by the County Attorney's office to be included in the 1996 budget and approve the presented State memorandum of understanding. Motion was approved by all members present.

(5)

CITIZENS CONCERNS

There were none.

(6)

BEAR CREEK CAMPGROUND

Clerk, Bruce Funk outlined to the Commission that in preparation for 1996 the rental rates at the Bear Creek Campground need to be reviewed. In regards to the non-profit groups/county groups he suggested this be limited to Emery County non-profit groups or County organizations. He noted that outside

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Commission Meeting  
September 6, 1995

Bear Creek Campground, cont. . . .

County organizations have been renting the facilities during the week at a much reduced rate and then receiving an additional one-half reduction because of their non-profit status. He outlined the overnight camping policy in that a unit consists of one car/sleeping unit, maximum of eight persons per unit with a charge of \$1.00 each for additional persons per unit. He would also like to see the Commission adopt a policy of no discharging of any type of firearm as well as any other type of weapons, bow & arrow, etc. That there is no shooting or taking of any type of wildlife within the park, including birds and small rodents. No fireworks of any type. Fires to be kept within designated areas only. The noise ordinance to be enforced. Pets are to be kept on leashes. The Commission further recommended that a campground host be looked into in light of vandalism which has occurred at the park.

No action was required by the Commission at this time, but was for their information and review. This will be considered by the Commission at a later meeting.

(7)

LOCAL ADVERTISING POLICY

Commission Chairman Kent Petersen introduced Jenni Fasselin who works for the Emery County Progress. Ms. Fasselin reviewed with the Commission the programs the Commission and Emery County have previously participated in as far as the Emery County Progress and special editions such as the fair guide, sports guide, etc. She inquired as to whether the Commission would be interested in sponsoring the honor students. Anticipated total costs for all of these would be approximately \$600 per year.

The Commission expressed some concern in that many times they already contribute to the organizations and groups. They requested of Ms. Fasselin to prepare a proposal of those events that the Commission has participated in the past as well as those proposed and let the Commission look at this at budget time. That proposal is to be submitted to the Emery County Auditor's office.

(8)

PROJECT AGREEMENT BETWEEN EMERY COUNTY AND THE FOREST SERVICE IN TRADING ROAD MAINTENANCE WORK

Motion was made by Commissioner Randy Johnson to table this matter for further review. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(9)

CASTLE VALLEY SPECIAL SERVICE DISTRICT - CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$570,000 OF GENERAL OBLIGATION BONDS AND OTHER RELATED MATTERS - RESOLUTION 9-6-95C

Castle Valley Special Service District Administrator, Darrel Leamaster reviewed with the Commission the proposed bond sale. These would be used for water projects which include a water line to the landfill area and a 1/2 million gallon water storage reservoir. Payment on these bonds would be deferred to July 1, 1999. At that time they would dove-tail behind existing indebtedness. He expected an October closure.

Whereupon, motion was made by Commissioner Bevan Wilson to approve Resolution 9-6-95C and authorize the issuance and sale of not more than \$570,000 of general obligation bonds. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

ROAD DEPARTMENT BUSINESS

Road Superintendent, Rex Funk reviewed the following items with the Commission:

A) Request to proceed with purchase of landfill equipment - The first request is for a compactor. The cost could run up to approximately \$150,000 for a used compactor and up to \$450,000 for a new compactor. This would give compaction of approximately 114%. The other request would be for platform scales. The cost estimates are \$25,000 to \$35,000, although he would like to look at electronic capability. Discussed were the costs involved in getting power to the site. The Commission noted the landfill budget has approximately \$120,000 for landfill equipment. Therefore, motion was made by Commissioner Randy Johnson to authorize Road Superintendent, Rex Funk to begin looking for a compactor and/or scales as funds might allow and bring his recommendation back to the Commission for further consideration.

B) Road project acceptance - Mr. Funk further presented to the Commission two road project acceptances. One is for the dinosaur quarry road which was constructed under Class B road funds and the other is the ghost road project which was constructed by the Emery County Special Service District No. 1. These having been completed.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve and accept the two road projects as presented. Motion was approved by all members present.

C) Horse Canyon Road Deed - Mr. Funk indicated that he has received no further correspondence from the other party in regards to this road. This having been discussed in the previous Commission meeting minutes. However, he

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Commission Meeting  
September 6, 1995

Road Department business, cont. . . .

was aware that a draft agreement has been submitted by fax to the Emery County Special Service District No. 1 in regards to the bridge.

D) Green River purchase of road grader #1305 - Mr. Funk expressed appreciation in receipt of the new graders for the County road department. He noted that they are ready to dispose of a second grader, #1305 which has over 14,000 hours. Green River City has expressed an interest in the purchase of that grader for \$20,000. Green River will make annual payments to the County of \$5,000 per year for four years. Mr. Funk indicated he felt the offer was very reasonable.

After discussion, motion was made by Commissioner Randy Johnson to approve the sale of the grader to Green River City for \$20,000 with payments as proposed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

SEPTEMBER 20, 1995, COMMISSION MEETING LOCATION CHANGE

Commission Chairman Kent Petersen noted that Representative Keele Johnson has invited a legislative group for a retreat to Southeastern Utah September 20-21. He noted that this is the same date as the September 20 Commission meeting. His proposal is that because the Commission has been invited to a luncheon meeting in Green River at 1:00 p.m. that day, that consideration be given to holding the regular Commission meeting in Green River on September 20.

Whereupon, motion was made by Commissioner Randy Johnson that the Commission meeting scheduled for September 20 be changed to Green River at the Emery County Sheriff/County Complex located at 45 East Farrer Street in Green River, Utah, at 5:00 p.m. and that notice be posted both in the Emery County Progress and the Sun Advocate by the Clerk's office. Possible items to be discussed at that time was an 800 number for access to the courthouse from Green River and Green River being included in the Castle Valley Special Service District. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #84061 through and including #84226 for payment.

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
73	Patio covering - Nursing Home	7,000.00	Approved
74	Card for interface - Data Pro.	1,150.00	Approved

7

Commission Meeting  
September 6, 1995

Auditor's business, cont. . . .

75            Internet connection - Non-Dept.            6,000.00            Approved

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment and the requisitions for purchase. Motion was approved by all members present.

(13)

CONSIDERATION AND APPROVAL OF RELEASE FORMS RELEASING UACIM FROM ANY REPAYMENT OBLIGATION TO EMERY COUNTY OF CONTRIBUTED SURPLUS FUNDS AND CONTRIBUTED EMINENT DOMAIN/INVERSE CONDEMNATION FUNDS

This matter was deferred to allow the Commission sufficient time to review. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to table this matter. Motion was approved by all members present.

(14)

UAC ASSESSMENT FOR DAN JONES SURVEY

Commission Chairman Kent Petersen, who also serves on the UAC Board of Directors, noted in his absence the Board of Directors had passed having Dan Jones conduct a survey. The poll would basically evaluate the peoples attitude towards County Government, the issue, economic development as well as a number of other items. Emery County's share for the poll would be \$584. This to be concluded by September 15.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the request subject to review of the questions contained in the poll. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

COMMISSION MEETING MINUTES

The minutes of the August 16, 1995, Commission meeting were reviewed and corrected. However, it was the consensus of the Commission that these minutes be brought back for final review and acceptance in the next Commission meeting.

(16)

COMMISSION REPORTS

Commissioner Randy Johnson:

1. He reported on his recent trip to Gallup, New Mexico, to meet with Senator Pete Dominich. He expressed appreciation for the opportunity to present proposals of the Emery County Public Land Council and solicit support.



Commission Meeting  
September 6, 1995

Commission Reports, Commissioner Randy Johnson, cont. . . .

- 2. He has further met with Darrel Leamaster who was asked to proceed on studying the feasibility of bringing Green River into the Castle Valley Special Service District. They first contacted Pacificorp who indicated that they would not oppose it provided it did not cause a rate increase. It was the desire of the Commission that this be reviewed in the upcoming meeting in Green River and that Pacificorp's response be made in writing.
- 3. He also advised the Commission that KSL has provided a memorandum of agreement, noting that they will be switching to NBC. A new agreement has to be approved and there will be no additional cost to the County. The County Attorney's office has reviewed this matter. Whereupon, motion was made by Commissioner Randy Johnson to approve the KSL agreement at this time and ratify this at the next Commission meeting. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.
- 4. He also discussed the Fair budget. He noted that it would be reviewed more closely in the next few days. It appears that approximately \$5,000 to \$8,000 in the hole, which is less than last year.

(17)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 11:38 a.m. was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST



CHAIRMAN



MINUTES OF THE REGULAR MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

HELD IN THE COUNTY COMPLEX IN GREEN RIVER

September 20, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; Deputy Clerk, Marcee Wright.

The meeting was called to order by Commission Chairman Kent Petersen at 5:00 p.m.

(1)

DISCUSSION AND APPROVAL OF 800 NUMBER FOR ACCESS TO THE COURTHOUSE FROM COUNTY COMPLEX IN GREEN RIVER

Commission Chairman, Kent Petersen opened the discussion stating that it is his understanding that Green River City would like the county to install an 800 number that would give their residents toll-free access to the courthouse in Castle Dale.

Sheriff, Lamar Guymon explained that there are a couple of different options available besides an 800 number. One is a transfer system like the one that is already in place at the Sheriffs Office, whereby Green River residents can call a local number that is then transferred to and rings in the courthouse. This system presently costs the Sheriff's Office about \$5 per month plus \$200 per month in phone charges. The other is a microwave link which would be more expensive to install, about \$25,000, but would pay for itself in 5 years by eliminating phone charges. The microwave system would also allow the county to link computer systems between Castle Dale and Green River (which is something that was tried in the past, via phone lines, but proved to be too expensive to continue) as well as upgrade the television system.

Sheriff Guymon also indicated that the county complex in Green River is in need of a new phone system. Presently there are two phone lines for the Sheriff's Office and one line each for the Justice Court and Assessor's offices. There have been problems with this system and a system similar to the one that has just been installed in the court house would be more efficient.

Commissioner Petersen asked for comments from Green River residents. Several residents expressed their approval of a microwave system stating that it would improve communications between Green River and the rest of the county in many different areas. However, there was some concern expressed that the county should not put themselves in a position to be in competition with local business.

Commissioner Petersen indicated that the county had not yet investigated any of the options thoroughly and would need to do so before making a decision on the best way to proceed. He suggested that Auditor, Ross Huntington, Sheriff,

2

Commission Meeting  
September 20, 1995

Lamar Guymon and Justice Court Judge, Betty Burns work together to assess what the needs are and gather the necessary information.

(2)

DISCUSSION OF GREEN RIVER CITY BEING INCLUDED IN CASTLE VALLEY SPECIAL SERVICE DISTRICT BOUNDARIES

Commissioner, Randy Johnson explained that he has discussed this matter with Darrell Leamaster who indicated that his first concern is to Utah Power and Light, as they would have the power to veto any such project. UP&L has indicated that they would not veto the project as long as it would not raise rates. Commissioner, Johnson expressed his concern that realistically, the project probably could not be accomplished without some kind of a rate change.

Darrell Leamaster has been instructed to go ahead and look into what needs to be done in terms of personnel and costs etc. involved in C.V.S.S.D. taking over roads, water, and other services offered by the district, in Green River.

Green River City Council Member, Steve Rapich stated that Green River City does not have the funds to keep up with the other cities in the county as far as improvements, such as curb and gutter, sidewalks, etc. Those areas within the city that already have these improvements are deteriorating faster than they can maintain them. The residents of Green River feel that either the city or county is less than complete in the service they should be providing. They feel that other cities in Emery county have better access to improvements than they do.

Mayor Judy Scott commented that Green River City understands that they have great need and does not expect the C.V.S.S.D. to put all their money, for the next couple of years, into Green River to bring them up to speed, but they would like a proportionate share of the money to start moving forward. She feels they must start someplace if they expect to ever get ahead.

Further discussion brought up some problems that would have to be resolved. One problem is that the city is divided by the county line. It would be difficult for the C.V.S.S.D. to provide service to the Grand county side of Green River City. Another problem is the amount of debt that the city has which would have to be incorporated with the debt of the district.

It was also mentioned that monies from the \$10,000,000 bond that was recently acquired by the C.V.S.S.D. would not be available to the City of Green River because they did not vote on the bond.

Commissioner Peterson asked Mayor Scott if she felt that the majority of Green River City residents would be in favor of being included in the C.V.S.S.D. She indicated that she feels they would. The Commissioners indicated their willingness to look into the possibility of Green River City being annexed into the C.V.S.S.D., but indicated that more investigation needs to be done and all the facts and figures gathered.

3

Commission Meeting  
September 20, 1995

(3)

DISCUSSION OF GRAND COUNTY'S RESOLUTION ALLOWING EMERY COUNTY JUSTICE COURT TO HANDLE ALL CITATIONS ISSUED ON THE GRAND COUNTY SIDE OF GREEN RIVER

Commissioner, Kent Peterson indicated that the purpose of the resolution is to allow the Emery County Justice court to handle misdemeanor citations that are issued on the Grand County side of Green River City.

Judge Burns indicated that, as it stands now, citizens that are issued citations on the Grand County side are required to go to Moab to appear in court. It would be much more convenient if they could take care of these matters in her court.

Sheriff, Lamar Guymon also indicated that he would be in favor of the resolution as it would save his department a lot of time in transporting people to Moab. Steve Rapich of the Utah Highway Patrol indicated that the resolution would be to their advantage.

Commissioner Peterson acknowledged that the resolution is a good idea. The commission will give a copy of the purposed resolution from Grand County to County Attorney David Blackwell to review.

It was mentioned that Green River City would also like to enter into an agreement whereby the County Justice Court could handle citations issued by the city in regards to ordinance violations, etc. Commissioner Petersen indicated that possibly these issues could both be resolved with the same resolution.

(4)

DISCUSSION OF EMERY COUNTY BOUNDARY CHANGE TO INCLUDE ALL OF GREEN RIVER CITY.

Commissioner, Kent Petersen reported that he brought this issue to the attention of some members of the state legislature in a meeting held earlier today. They have indicated some interest in helping as there are several other communities around the state with a similar problem.

Mayor Scott stated that State Representative, Brad Johnson has agreed to sponsor a bill and State Representative, Marda Dillree has agreed to co-sponsor it. Representative Dillree indicated that if the bill could be submitted right away that UAIR would probably support it as well.

Commissioner Petersen stated that there is another way of resolving this issue; by a vote of the people which would require a majority vote, in favor of the boundary change, in both Grand and Emery Counties. While the commissioners feel that it is a possibility that Grand County citizens would approve of such a move, it is not very probable.

4

Commission Meeting  
September 20, 1995

(5)

DISCUSSION OF 1996 EMERY COUNTY BUDGET

Commissioner, Kent Petersen reported that they are in the process of preparing the budget based on the information that has been submitted by County Auditor, Ross Huntington. He indicated that any groups that need to be considered in the Emery County budget must have their requests in by the first of October.

County Auditor, Ross Huntington stated that the commission has told him to anticipate declining revenues, due to the State Tax Commission granting appeals on centrally assessed property. With this in mind, he is asking that everyone be realistic with their requests.

(6)

CITIZEN CONCERNS

Tom Burr addressed the commission and asked if there had been any money granted in the budget to the operation of Cedar Mountain communication site.

Sheriff, Lamar Guymon stated that there will be a translator for KJZZ that will be installed within the next week or two. Also, Brett Mills and his helper have been working all summer on upgrading the building and getting an assessment on the equipment and which upgrades need to be made.

Commissioner, Randy Johnson indicated that there is \$100,000 in the budget for T.V. purposes. That money was budgeted for various projects around the county as well as some preliminary work on Cedar Mountain which included the KJZZ translator, a power line, and work on the building. This was considered a first step. Next year's budget will include more money for whatever upgrades are determined to be needed.

Blain Luke expressed his thanks to the commission for everything they are doing to help the city of Green River. He stated that he has worked closely with the commissioners and other elected officials and appreciates all that they do to make Green River feel like part of Emery County.

Mayor, Judy Scott also expressed her thanks to the commission for all they are doing and for bringing this commission meeting to Green River so that citizens could have a chance to participate. She also expressed her thanks to the Sheriffs Department for the excellent work they did during Melon Days and to Commissioner Bevan Wilson and Road Superintendent, Rex Funk for all their support and the information they have provided to help with their landfill process.

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Commission Meeting  
September 20, 1995

(7)

WILDERNESS UPDATE

Commission Chairman, Kent Petersen reported that there was a county commissioners meeting in Moab last week which included representatives from all of the congressional offices with the exception of Bill Orton's office. They were informed that the environmental community is pushing HR1500 very strongly in Washington. A lot of members of Congress and senators are being convinced that the people of Utah are in favor of 5.7 acres of wilderness. It is important that letters be sent to those congressmen and senators involved, telling them how the people really feel.

Commissioner Peterson further explained that HR1500 would effect slightly over 1/3 of Emery County. It covers countless numbers of our D roads and some of our B roads which are maintained with state gas tax money. It covers land that has no business being wilderness and would be devastating to our county.

The Commission is asking people to write letters addressed to "Dear Member of Congress" and "Dear Senator", to express their concerns about HR1500. It is important that they know that this bill was never been presented to local officials or explained to the citizens of the state. These letters can be sent to the county commissioners office where copies will be made and packets sent to all the congressmen and senators involved with this issue.

(8)

CONSIDERATION AND APPROVAL OF RELEASE FORMS RELEASING UACIM FROM ANY REPAYMENT OBLIGATION TO EMERY COUNTY OF CONTRIBUTED SURPLUS FUNDS AND CONTRIBUTED EMINENT DOMAIN/INVERSE CONDEMNATION FUNDS.

Commission Chairman, Kent Petersen explained that the Utah Association of Counties Insurance Mutual (UACIM) accumulates surplus money during the year and they are in need of release forms allowing them to keep the money rather than return it to the counties. This refers to the repayment of contributed surplus funds and contributed eminent domain inverse condemnation funds. This does not refer to the money that Emery County contributed when the Mutual was first set up to establish a surplus fund. That money will be returned to the county eventually.

A motion was made by Commissioner, Randy Johnson to approve the signing of the release forms. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

DISCUSSION AND APPROVAL OF SPECIAL WARRANTY DEED AND DEDICATION AGREEMENT BETWEEN EMERY COUNTY AND INTERMOUNTAIN POWER AGENCY ON HORSE CANYON ROAD

Road Superintendent, Rex Funk explained that the road in question is a section of road contiguous to county road 125, it is privately owned by Los Angeles

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Commission Meeting  
September 20, 1995

Water & Power, but is considered a public road. The mine company has been told by the Department of Oil Gas and Mining to find a sponsor to receive the road or they will cause them to reclaim it which could cut off access to upper Range Creek, etc. He recommended that the County accept the road since it is used by Emery County citizens.

Commissioner, Bevan Wilson made a motion to approve the signing of the deed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

DISCUSSION AND APPROVAL OF PROJECT AGREEMENT BETWEEN EMERY COUNTY AND THE FOREST SERVICE TO TRADE ROAD MAINTENANCE WORK

Commission Chairman, Kent Petersen stated that it is his understanding that this is an extension to an agreement that is already in place between Emery County and the Forest Service.

Road Superintendent, Rex Funk explained that this agreement provides for the County to maintain additional Forest Service roads during the summer months in exchange for the Forest Service maintaining County roads on the desert during the winter months. This exchange will be done on an hour-for-hour basis. It is his recommendation that the county approve the agreement.

Commissioner Bevan Wilson made a motion to approve the agreement between Emery County and the Forest Service to trade road maintenance work. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

ROAD DEPARTMENT ITEMS

Road Superintendent Rex Funk reviewed the following items with the Commissioners.

A) Approval of Interlocal agreements - Mr. Funk presented two interlocal agreements to the commissioners for their approval. One, between Castle Dale City and Emery County for the purchase of a grader. They will buy the grader outright for \$20,000. The other, between Green River City and Emery County, also for the purchase of a grader. They will make four annual payments of \$5,000 each with the first payment to be made in October of 1995. These agreements were drafted by the County Attorney's office.

A motion was made by Commissioner, Randy Johnson to approve the interlocal agreements. The motion was seconded by Commissioner, Bevan Wilson and approved by all members present.

B) Request to purchase compactor for the landfill - Mr Funk reported that his people have been trying to locate a compactor for the landfill. They have traveled all over the west and finally located a used one, through a broker in Los Angeles, at a Catapiller dealer in Kansas City.

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Commission Meeting  
September 20, 1995

This machine has been inspected by the County mechanics and the broker and found to be in good condition. It has a reconditioned engine with 900 hours on it. The chassis has 13,000 hours, but it has been checked out thoroughly. Service records show that the machine has been well taken care of. The cost for the compactor is \$120,000. It is Mr. Funk's recommendation that the county purchase this machine.

A motion was made by Commissioner Bevan Wilson to approve the purchase of the compactor for \$120,000. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #84484 through and including #84635 for payment.

The following dispositions were considered presented for Commission consideration:

<u>Fixed Asset #</u>	<u>Description</u>	<u>Action</u>
#1305	1980 John Deere 772A grader	Sold to Castle Dale City
#1306	1981 John Deere 672A grader	Sold to Green River City

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
76	Borroughs 536 Lateral File Cabinet - Attorney	747.75	Approved
77	Okidata 395 printer - Auditor	1,175.00	Approved

Whereupon, motion was made by Commissioner, Randy Johnson and seconded by Commissioner, Bevan Wilson to approve all warrants for payment, requisitions for purchase and dispositions. Motion was approved by all members present.

(13)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

Approval of the minutes of the August 16, 1995 and September 6, 1995 Commission Meetings was tabled to allow the commissioners time to review them.



8

Commission Meeting  
September 20, 1995

(14)

COMMISSION REPORTS

Commissioner Bevan Wilson:

1. Commissioner Wilson reported that Lance Farmer has completed his work on the airport and has moved on to the senior citizens center in Ferron. Mr. Farmer was originally given 90 days to complete the work on all the projects that were previously identified by the commission, it appears as though he will need more time to complete all of the projects. Commissioner Wilson recommended that the commission place this item on the agenda for the next commission meeting to consider extending the 90-day time limit.

The Association of Governments has awarded the painting contract for that building to B & T builders.

2. Commissioner Wilson reported that most of the required information has been received for the landfill permit. It looks as though there will be a variance granted on the monitoring equipment. There will be about another 90 days of paperwork, and it is expected that the permit will be in hand by the first quarter of 1996.

Commissioner Kent Peterson

1. Reported that he has been appointed to the Utah Resource Advisory Council and will be going to Salt Lake tomorrow to attend their first meeting.

(15)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 6:40 p.m. was made by Commissioner Randy Johnson; seconded by Commissioner Bevan Wilson 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

October 4, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

(1)

EMERY COUNTY CENTENNIAL HISTORY BOOK - APPROVAL OF MEMORANDUM OF UNDERSTANDING

Commission Chairman Kent Petersen in a follow-up to the Commission meeting of September 6, 1995, noted that the Attorney's office has prepared a memorandum of understanding between Emery County and the Emery County Historical Society. Wherein, the Agreement covers reimbursement to the County for monies used in publishing and obtaining copies of the books for sale. Whereupon, motion was made by Commissioner Randy Johnson to adopt the memorandum of understanding as prepared by the County Attorney's office with some minor changes as noted by the Commission.

Sylvia Nelson, Chairwoman for the Centennial History Book, concurred in those changes. She expressed appreciation to the Commission.

Therefore, Commissioner Johnson's motion was amended to include the suggested changes. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

NAME CHANGE FOR TAF BOARD

Economic Development Director, Rosann Fillmore came before the Commission requesting that the TAF Board (Targeted Allocation Fund Board) be renamed to the Higher Education Review Committee. This committee would review applications from higher education for projects which would be sponsored by the County and recommended to the Permanent Community Impact Fund Board.

Commissioner Bevan Wilson inquired if this could be the same Board as the local Permanent Community Impact Fund Board Review Committee which makes recommendations to the State Permanent Community Impact Board of which TAF is presently a part of.

However, after discussion, Rosann Fillmore indicated that it would be much better to keep it as a separate review board strictly for higher education applications. Therefore, motion was made by Commissioner Bevan Wilson to change the TAF Board to the Higher Education Review Committee. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Rosann Fillmore also informed the Commission of a Travel Council meeting set for October 30 at 2:00 p.m.

(3)

ENERGY STRATEGIES INCORPORATED - APPROVAL OF CONTRACT

Economic Development Director, Rosann Fillmore introduced Kevin Higgins of Energy Strategies, Inc. Mr. Higgins indicated that his firm is a Utah-based energy consulting firm, primarily working with energy users. In the proposed agreement he would identify the economic impact and economic benefit of the methane gas to the County through the methane gas feasibility study. He noted that it is believed that approximately 25% of the State's gas is in the Ferron sandstone. The agreement has been reviewed by the County Attorney's office.

Commissioner Bevan Wilson noted concerns of the Planning and Zoning committee and their struggle with the permitting process in such gas exploration and development. He recommended that a public seminar be held to educate the people of Emery County on how the gas field leasing program works on federal and private property, pooling programs, local impact, taxing, leases and the role of the BLM.

After further discussion, motion was made by Commissioner Randy Johnson to approve the contract with Energy Strategies, Inc., to do a feasibility study on the methane gas in the area. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

CITIZEN CONCERNS - CASTLE DALE CITY COMMUNITY CENTER

Castle Dale Mayor, Roger Warner informed the Commission that Castle Dale City is planning to construct a community center including facilities for a Senior Citizen Center, a gymnasium, racket ball court and multi-purpose room. The total cost will be approximately \$2,055,000. They would like participation from the County with a contribution of \$200,000. Castle Dale City would also contribute \$200,000 with \$100,000 loan from the Permanent Community Impact Board and \$100,000 in kind. He further requested the Commission to consider this in their budget for the year 1996.

Commission Chairman Kent Petersen recognized the benefit of the project to Castle Dale City and to the citizens of the County.

Commissioner Randy Johnson noted his support for the idea and the concept.

It was also pointed out that the building would house the County Fair. Commission Secretary Leslie Bolinder noted that it would be nice to have a facility which would house the fair in one place.

Mr. Warner was requested to submit his request to Auditor, Ross Huntington for further consideration.

Citizen Concerns, cont. . . .

While Mr. Warner was in attendance, Road Superintendent, Rex Funk inquired as to the County Water and Sewer hook-up for construction of the new road shop. He asked what was needed. Mr. Warner inquired as to how much water was going to be used and it would be treated as an outside water connection. However, he pointed out there would be no intention to limit the amount of water used.

(5)

EMERY COUNTY PERMANENT COMMUNITY IMPACT FUND BOARD CAPITAL IMPROVEMENT LIST

Commission Chairman Kent Petersen recognized Roger Warner, who is the Chairman of the Emery County Permanent Community Impact Fund Review Committee. He turned the time over to Darrel Leamaster. Mr. Leamaster indicated that the group is trying to work on by-laws on how to prioritize the project. They have provided to the Commission a capital improvement list (no prioritization) that their committee has approved and recommended. The short-term list is chronological. It was the understanding of those present that the Commission will have final approval on projects submitted to the Permanent Community Impact Fund Board.

Also discussed by the Commission was the suggestion by Senator Howe for a representative from Emery County on the PCIFB Board. Therefore, it was the consensus of the Commission that they proceed, recommending a name to Senator Howe for consideration on the PCIFB Board.

After further discussion, motion was made by Commissioner Randy Johnson to accept the agreement between the Emery County Permanent Community Impact Fund Review Committee and Emery County as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Darrel Leamaster having presented to the Commission the proposed Emery County Permanent Community Impact Fund Board local capital improvement list, the short-term, medium-term and long-term list. He noted that the short-term includes the balance of the year 1995 and 1996 projects. There is again no prioritization on the list.

Whereupon, motion was made by Commissioner Bevan Wilson to accept the list and submit them onto the PCIFB. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)

SUFECO ROAD - QUITCHUPAH

Mr. Kerry Monroe of Jones and Demille Engineering came before the Commission noting that Sevier County is interested in representing the construction of a road up Quitchupah by SUFCO Mines. It was noted that SUFCO has a contract to sell coal to the Eastern part of the Country and they would like to haul coal to a load-out facility in Carbon County. Sevier County is sponsoring the

Sufco Road, cont. . . .

project and it is scheduled next summer for construction. Initially there would be 30 to 40 trucks per day. That would increase up to 100 trucks per day. They further inquired of gravel pits available in the County.

Road Superintendent, Rex Funk inquired as to their completing the encroachment process since a small portion of the road will be in Emery County.

A number of concerns were expressed by those in attendance that this would be a total of 200 trucks passing through the communities and through Emery County on a daily basis. This includes both transporting coal to the load out facility and the return trip. Concern was expressed as to UDOT maintaining Highway U-10 under that type of usage and what type of safety problems this presents to the citizens. It was further noted that there would be no economic benefit to Emery County, but would simply be a shorter route to a coal load-out facility.

After further discussion, it was the consensus of the Commission that a public hearing be set for October 18, 1995, at 6:00 p.m. Representatives from UDOT, city mayors and SUFCO be invited to the public hearing and that an effort be made to make the citizens aware in order to get their response.

(7)

CELLULAR ONE TRANSMITTER INSTALLATION ON HORN MOUNTAIN

Commission Chairman Kent Petersen reviewed a letter received from Cellular One requesting site space at the County Horn Mountain facility. The rate agreed upon would be \$125 per month for each piece of equipment. They are presently looking at two pieces of equipment and possibly three. Installation is anticipated in 30 to 60 days.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the leasing of equipment space as discussed. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

RATIFICATION OF AGREEMENT TO REBROADCAST NBC TELEVISION NETWORK PROGRAMMING BY KSL TELEVISION

This matter having been previously discussed and approved by the Commission. Whereupon, motion was made by Commissioner Randy Johnson to ratify the previous Commission action wherein NBC is now KSL in its network programming. This is merely a formality. Motion as seconded by Commissioner Bevan Wilson and approved by all members present.

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(9)

MEMBERSHIP DUES - EMERY COUNTY YOUTH CITY COUNCILS

Discussed was that previously Emery County had contributed to the Emery County Youth City Councils in the amount of \$50. Whereupon, motion was made by Commissioner Randy Johnson to again contribute \$50 to the Emery County Youth City Councils, noting that otherwise each of the cities would be required to come up with \$20. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

EMERY COUNTY JUSTICE COURT - HANDLING OF MISDEMEANOR CITATIONS FOR PARTS OF GRAND COUNTY

It was noted that this item had been discussed in the previous Commission meeting held in Green River. However, at this time County Attorney, David Blackwell had some concerns as to the defendant's consent in writing as it relates to holding a Grand County case of such in Emery County. Therefore, he would like to further review this matter. Also discussed was the need to prepare a memorandum of understanding. Therefore, this matter was tabled until the next Commission meeting.

(11)

COMMISSION MEETINGS TO BE HELD IN GREEN RIVER

Commission Chairman Kent Petersen noted that the Commission meeting held on September 20 was held in Green River. Discussed was the possibility of holding additional meetings in Green River. Randy Johnson suggested that possibly two meetings per year be held in Green River. It was further discussed and suggested that the meeting in Green River be held once a year and at the time of the Board of Equalization.

Therefore, motion was made by Commissioner Randy Johnson that Auditor, Ross Huntington and Clerk, Bruce Funk in preparing for the 1996 Commission Meeting schedule set the August 1996 Commission meeting at the time of the Board of Equalization in Green River and hold the Commission meeting in Green River. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

EQUIPMENT TRANSFER - 1975 TRUCK TO EMERY COUNTY NURSING HOME

Road Superintendent, Rex Funk advised the Commission that he has prepared the necessary paper work to be included in the disposition of fixed assets, transferring a 1975 one-ton flat-bed truck to the Emery County Nursing Home. (The Commission approved this action in the disposition of fixed assets, item #16 of these minutes.)

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(13)

PROPERTY FOR EMERY COUNTY ROAD SHOP FROM THE BLM - RESOLUTION 10-4-95A

Road Superintendent, Rex Funk reviewed with the Commission the need to proceed in obtaining a patent from the BLM on the 80 acres which will be the future site location of the Emery County Road Shop. Therefore, he presented Resolution 10-4-95A.

Whereupon, motion was made by Commissioner Bevan Wilson to approve Resolution 10-4-95A wherein Emery County will make application from the BLM to obtain the title to certain public lands. The lands are described as follows: The Northwest quarter of the Southeast quarter of Section 21, T18S, R8E, S1M and the Southwest quarter of the Southeast quarter of Section 21, T18S, R8E, S1M. This property would be used for the construction of a County Road shed and vehicle maintenance building and other yard and pertinent structure and storage areas. The total acreage is 80. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Mr. Funk further expressed appreciation to the Commission for the recent purchase of the compactor used at the landfill.

(14)

UAC COUNTY GIFT

The Commission briefly discussed the possibilities of a County gift to be given at the annual UAC meetings in St. George November 8, 9 and 10. A number of suggestions were made. Whereupon, it was the consensus of the Commission that this matter again be referred to Leslie Bolinder.

(15)

CLOSURE AND FINAL DECISIONS ON THE BOARD OF EQUALIZATION APPEALS

Assessor, James Fauver presented to the Commission a summary of the Board of Equalization adjustments. Mr. Fauver indicated that a number of the people listed there have not attended the Board of Equalization but were adjustments required because of computer error. He indicated that the Commission needs to take official action approving the adjustments and to officially close the Board of Equalization.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the Board of Equalization adjustments and to close the Board of Equalization. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Other Adjustments: It was noted that motel managers who reside in those motels are entitled to the home owners exemptions. Therefore, these adjustments were made both in the Huntington and Castle Dale motels. Also, he informed the Commission that the land in Huntington for the Library was purchased by Huntington City and should be exempt.

Board of Equalization, cont. . . .

Therefore, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the Huntington and Castle Dale motel home owners exemptions and the exemption from taxes on property purchased by Huntington City for the Library. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #84806 through and including #84962 for payment. The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
52A	Two 1996 Ford Explorers - Sheriff	48,826.30	Approved
79	H.P. Laser Jet Printer - District Court	2,140.00	Approved
80	Two Pentium Computers - Elections and District Court	4,400.00	Approved

The following disposition of fixed asset forms were presented for Commission consideration:

- 1975 Ford one-ton truck from Road department, fixed asset #04252, serial number F37MRW61036 - to be transferred to the Nursing Home
- 1978 GMC handicapped equipped bus from County Aging and Nutrition program, fixed asset tag missing, serial number 3283501688 - to be sold at County auction
- 1979 GMC truck from Road Department, fixed asset #02527, serial number TKL149F736768, to be sold at County auction
- 1985 Chevy Impala from Road Department, fixed asset #05244, serial number 1G1BL69H8FX119032, to be sold at County auction
- 1978 Dodge flat-bed truck from Weed & Mosquito department, fixed asset #004341, serial number D31BF85217720, to be sold at County auction
- 1980 GMC 3/4 ton truck from Weed & Mosquito department, fixed asset #001655, serial number TKM24AF713882, to be sold at County auction
- 1982 GMC truck from Weed & Mosquito department, fixed asset #004337, serial number 1GTCS14B9C8508161 - to be sold at public auction



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Auditor's Business, cont. . . .

- Epson LQ2550 printer from the Auditor's office, fixed asset #005805, serial number OHA1058733, to be junked
- Fujitsu fax machine from Commission office, fixed asset #005115, serial number 334295946, to be junked

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment, requisitions for purchase and dispositions for disposal. Motion was approved by all members present.

(17)  
COMMISSION MINUTES

The second draft of the minutes of the August 16, 1995, Commission minutes were reviewed. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the September 6, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the September 20, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

(18)  
PERSONNEL/INSURANCE MATTERS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

A) County-Wide Maintenance - Approval is requested to extend the temporary assignment of Lance Farmer and Travis Robison to approximately December 31, 1995, dependent upon the need.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the extension of the temporary assignment of Lance Farmer and Travis Robison as requested. Motion was approved by all members present.

B) Sheriff's Department - She indicated that the Sheriff would like approval to start his new hire at a Dispatch I, Step A or \$9.66 per hour effective October 9, 1995.

Personnel Items, cont. . . .

Motion to authorize the Sheriff to fill that vacancy was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

C) Drug and Alcohol Testing - She discussed drug and alcohol testing which is to begin January 1, 1996. In order to comply with the law in a timely manner, the following information was presented with a request for approval to begin the steps necessary to put a policy and procedure in place. She indicated that all employees who occupy safety sensitive positions will be tested. This includes those employees holding Commercial Drivers' Licenses and some law enforcement personnel. She indicated the following testing will be conducted: pre-employment, reasonable suspicion, random, post accident and return-to-duty and follow-up testing. The testing will be conducted at the Emery Medical Center. This is being done in an effort to provide safety and protection to employees and the public and to comply with federal and state laws insuring a drug free workplace.

It was the consensus of the Commission that Mrs. Snowball proceed in developing a policy and procedure for later Commission consideration.

(19)

MEETING ADJOURNMENT

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to adjourn the meeting at 12:02 p.m. Motion was approved by all members present.

ATTEST Bevan Wilson CHAIRMAN Randy Johnson

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

October 18, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; Sheriff, Lamar Guymon; and Deputy Clerk, Julie Winn.

The meeting was called to order by Commission Chairman Kent Petersen at 6:05 p.m.

(1)

FOREST SERVICE QUARTERLY UPDATE

Charles Jankiewicz, from the Forest Service, came before the Commission to give them an update on activities on the Forest. He presented them with the signed copy of the Project Agreement between the Forest Service and Emery County. This was approved by the Commission in their September 20, 1995, Commission meeting. He informed the Commission of a Timber Transportation Bridge Initiative that the Forest Service has. This may mean the availability of funds for building wooden bridges not only on a national forest, but off of national forest lands. The forest service would be willing to match on a 1 to 1 basis up to \$30,000; after \$30,000 on a 3 to 1 basis up to a maximum of \$50,000 per bridge or up to a maximum of \$150,000 for a multiple of timber bridges. He requested that he and the Commission and Rex Funk get together at a later time when he has more information. There may be an opportunity for the County to take advantage of this Timber Bridge Initiative to replace vehicle, pedestrian and special project bridges.

He informed the Commission that grazing permits can now be reissued without a NEPA decision. He indicated they are expecting a decision within the next 30 days on the South Manti timber sale. Mr. Jankiewicz and the Commission discussed what this means to the residents and how much timber this will involve. He indicated there is still a spruce beetle problem.

Mr. Jankiewicz introduced Dave McNeil, the new Forestry Technician in Ferron. Mr. McNeil replaces Don Riddle who has gone into law enforcement on the Forest. Mr. McNeil briefly addressed the Commission and gave his perception of areas that need to be addressed on the Forest. One area being recreation and ATV use.

The Commission thanked Mr. Jankiewicz and Mr. McNeil for coming before the Commission with their update.

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(2)

BLM QUARTERLY UPDATE

Penny Dunn, of the Bureau of Land Management, came before the Commission to give a quarterly update in regards to the Bureau of Land Management. She indicated at the present time they are having rancher meetings regarding the transfer of allotments. She thanked the Commission for the Buckhorn Panel project and its completion. She indicated Eco Challenge was in the news recently.

Ms. Dunn gave a report on the Oil and Gas well activity in the County. There are currently 20 wells being considered. 10 wells have been drilled or are currently being drilled. 9 more wells are on BLM land and another one is on Forest land. She inquired of the Commission where to direct people to call with questions. The Commission indicated these people need to be directed to call Bryant Anderson.

Commissioner Bevan Wilson informed Ms. Dunn that the County has received an inquiry on a gas line from the State Lands people. The County has prepared a written comment on that and the BLM will receive a copy of that. The letter will bring out the County's position on permitting and who to refer to. He also indicated the County is in the process of working out the recommended changes on our zoning laws along with a fee schedule. These will go to the Planning and Zoning Commission within the next three weeks.

Ross Huntington questioned Ms. Dunn in regards to the permitting process, if there is any stipulation that they have to show the BLM where they are getting their water from to drill the wells. He indicated that the irrigation companies need to be advised of the wells so they can make arrangements with their contractors for the water. He requested that somewhere on the application they should indicate where they will be getting their water.

Ms. Dunn indicated after they have permitted these drilling companies, they refer them to the County. However, they do not require to receive any proof back. Therefore, she will contact the County periodically to make sure the proper contact has been made. Ms. Dunn provided the Commission with a list of all companies they have permitted up to this point.

She indicated each company will probably prepare an impact statement on their leases when they reach the point that moves them from exploration to production.

The Commission thanked Ms. Dunn for coming.

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(3)

DIVISION OF WILDLIFE RESOURCES QUARTERLY UPDATE

Miles Moretti, from the Division of Wildlife Resources, came before the Commission with an update on DWR activities. He indicated Ferron Reservoir has been completed and is starting to fill. He indicated they have to change the management plan at Joe's Valley because of the problem with the Chubs. He indicated they have a couple of options. One would be to have different regulations at the reservoir. The last resort option would be to close Joe's Valley for one year and treat it to get rid of the Chubs.

He indicated that the Elk hunt is currently on and will end October 19. He indicated this has been a very clean hunt on the Manti with only 7 illegal kills. He further indicated the deer hunt begins October 21. And indicated success should be 35% to 40%.

Commissioner Bevan Wilson inquired as to DWR's role in the control of raccoons. Mr. Moretti indicated the Department of Agriculture manages raccoons and coyotes.

The Commission thanked Mr. Moretti for coming before the Commission today.

(4)

CONSIDERATION AND ADOPTION OF 1996 TENTATIVE BUDGET FOR EMERY COUNTY GENERAL FUND, CLASS B ROADS, CENTENNIAL COMMISSION, CAPITAL PROJECTS FUND, CAPITAL REPLACEMENT FUND, EMERY COUNTY E-911, ECONOMIC DEVELOPMENT, RSVP AND TRANSIENT ROOM TAX

Auditor, Ross Huntington presented to the Commission for their approval the 1996 tentative budget for Emery County. This incorporates a 5% reduction in centrally assessed revenues and a 20% reduction in federal PILT revenues. This is a very conservative estimate of revenues and a very liberal estimate of expenditures. He indicated he has incorporated into the tentative budget all of the departments requests with the exception of personnel issues. He has programmed into the tentative budget a 3% cost of living increase for existing employees. He has not programmed into the tentative budget funding for any additional employees or merit increases. Total revenues is \$9,540,347 with expenditures at \$9,540,347. Revenue and expenditures for other budgets are as follows: Class B road - \$1,463,000; Centennial Commission - \$31,500; Capital Projects - \$1,158,700; Capital Replacement - \$25,000; Emery County 911 - \$11,100; Economic Development - \$108,240; Library - \$644,265; RSVP - \$62,668; and Transient Room - \$38,000.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to adopt the 1996 Tentative Emery County Budget as presented. Motion was approved by all members present.

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(5)

REPORT REGARDING WATER SHARES OWNED BY EMERY COUNTY

Auditor, Ross Huntington reported back to the Commission regarding water shares owned by Emery County. He presented the following: The Nursing Home owns 7 shares which is leased to Ferron City. Ferron pays the assessment on those shares. The County owns 21 shares through Cottonwood Creek which is leased to Castle Dale City. Castle Dale pays the assessment. He has not been able to get in touch with Huntington Cleveland Irrigation, but the County does own 60 shares which is going to the Huntington Ball Complex. He did not contact Muddy or Green River.

(6)

REQUEST FROM STATE TRUST LAND TO BUILD PIPELINE IN EMERY COUNTY

The County has received a request from the State Trust Lands to build a pipeline across one of the trust sections in the area above Orangeville. The Commission is going to write back to them indicating that it appears this is a major project by Texaco and we don't want to approve it until we know more about what they are planning to do.

Road Superintendent, Rex Funk informed the Commission that he received a call from Texaco that they have the design of the project completed. He indicated he referred them to Bryant Anderson, indicating they will have to go through the planning and zoning process.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve signature on the letter and sending it to the State Trust Lands. Motion was approved by all members present.

(7)

AT&T SETTLEMENT ACCEPTANCE AND REPAYMENT

Treasurer, JoAnn Behling has received a request for settlement with AT&T on the years 1991 through 1994. If the County accepts the proposed settlement, they will not charge us interest if it is paid on or before December 22, 1995. She indicated all counties involved in this matter will have to sign off on the settlement before the County knows for sure if it has been accepted.

She indicated Emery County's portion would be \$4,800 and the Library is \$400. If the County had to pay the interest on that, it would be \$743 additionally.

The Commission inquired if the major counties, those being Box Elder and Salt Lake, are willing to go ahead and settle this matter. Mrs. Behling indicated she was not sure where these two counties stood with the settlement.

AT&T Settlement, cont. . . .

Commissioner Bevan Wilson made a motion to approve the request to settle with AT&T and authorize Commission Chairman Kent Petersen to sign a letter to Bill Peters indicating whether or not the County accepts the proposal. It was further indicated that if Box Elder and Salt Lake Counties did not want to settle, Emery County would support their decision. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

CONSENT FOR ASSIGNMENT OF MINERAL RIGHTS

County Attorney, David Blackwell indicated he has been requested by Tom Crichton in regards to a coal lease agreement between him and Emery County. Wherein, Mr. Crichton has requested to Commission to give written consent to allow the lessee to assign the lease to a third party for use as collateral.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to consent to allow the lessee to assign the lease as requested and to sign the same. Motion was approved by all members present.

(9)

APPROVAL OF CONTRACT WITH CELLULARONE

County Attorney, David Blackwell presented to the Commission for their approval a contract with Cellularone to install transmitters on Horn Mountain. He indicated this lease can be renewed every five years with the consent of both parties.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the contract with Cellularone as discussed. Motion was approved by all members present.

(10)

RESOLUTION 10-18-95A - ALLOWING EMERY COUNTY JUSTICE COURT TO HANDLE MISDEMEANOR CITATIONS ON THE GRAND COUNTY SIDE OF GREEN RIVER

County Attorney, David Blackwell presented to the Commission for their approval Resolution 10-18-95A. Wherein said Resolution will allow the Emery County Justice Court to handle misdemeanor citations on the Grand County side of Green River.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve Resolution 10-18-95A as presented. Motion was approved by all members present.

(11)

ROAD DEPARTMENT BUSINESS

Road Superintendent, Rex Funk presented the following items for Commission consideration:

A) South Spur Dip - He requested approval to install trash grills and clean the channel. Whereupon, motion was made by Commissioner Bevan Wilson to proceed with the project and solicit bids and also to authorize Commission Chairman Kent Petersen to sign the project acceptance. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

B) R & D Request - They have received a request from R & D to put an elevated trailer at the landfill for their salvage pile. They would like to build a berm or use one of the berms currently there and pull the trailer along side that and then have the people dump their metals into the trailer. He indicated there are some aspects of this that make him apprehensive as far as risk management, etc.

After further discussion, motion was made by Commissioner Bevan Wilson to approve this request on the condition that R&D is willing to do it in accordance with guidelines established by the Road Department and Johansen and Tuttle. Motion was seconded by Commissioner Randy Johnson on the condition that R & D make it safe. Motion was approved by all members present.

(12)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #85207 through and including #85380 for payment. The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
81	Heating unit for Landfill trailer - Landfill	569.00	Approved
82	Concentrator - Nursing Home	3,185.00	Approved
83	Computer system for Detectives - Sheriff	2,254.00	Approved
84	Camera and attachments (for evidence) - Sheriff	2,827.55	Approved
85	Computer system for Detectives - Sheriff	1,822.00	Approved



Auditor's business cont. . . .

86	Two Stalker radar units - Sheriff (to come from drug forfeiture monies)	5,590.00	Approved
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The following disposition forms were presented for Commission consideration:

- 1985 Chevy Impala, fixed asset #05244, serial #1G1BL69H8FX119032, from the Road department - to be sold in the County auction
- 1979 GMC truck, fixed asset #02527, serial #TKL149F736768, from the Road department - to be sold in the County auction
- Pontiac station wagon, fixed asset #4461, serial #2D35A9P576302, from the Aging and Nutrition program - to be sold in the County auction

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the warrants for payment with the exception of the warrant for Dennis Durrant for Bear Canyon Campground. Also to approve all requisitions for purchase and disposition forms. Motion was approved by all members present.

(13)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

A) Sheriff Department - She requested the Commission to approve the hiring of Kay Jensen in the Sheriff's department as a Dispatcher I as was previously approved by the Commission in their October 4, 1995, meeting. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the hiring of Kay Jensen as presented. Motion was approved by all members present. Effective date is September 16, 1995.

B) Assessor - She and Assessor, James Fauver informed the Commission that they have received the resignation of Kathy Reed in the Assessor's office effective October 27. They request approval to fill the vacancy.

After discussion, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson that the vacancy be advertised according to policy. Motion was approved by all members present.

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(14)

COUNTY GIFT FOR UAC CONVENTION

Commission Secretary, Leslie Bolinder informed the Commission that Emery County's gift for the UAC Convention in November will be a four-person guided tour by Ron Prettyman which can be taken in either the Spring or Summer.

(15)

OTHER BUSINESS

Commission Secretary, Leslie Bolinder informed the Commission of two upcoming dinners being sponsored by the County. The first will be a Senior Thanksgiving appreciation dinner on November 14 at 6:00 p.m. and will be held at the Museum. All residents 55 and older are invited to attend. She requested the elected officials to help serve that night.

She further informed those present that the County will be sponsoring an Emery County employee appreciation dinner on December 7 at 6:00 p.m. at the Museum.

(16)

COMMISSION REPORTS

Commissioner Randy Johnson informed those present that he and Commission Chairman Kent Petersen recently went to Washington to lobby the senate regarding wilderness. He indicated it was a positive trip.

(17)

ADJOURN TO EXECUTIVE SESSION

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to adjourn to executive session at 9:00 p.m. to discuss personnel matters. Motion was approved by all members present. Present in executive session were Commissioners Kent Petersen, Bevan Wilson and Randy Johnson; Personnel Director, Pat Snowball; Assessor, James Fauver; County Attorney, David Blackwell; Auditor, Ross Huntington; and Deputy Clerk, Julie Winn.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Randy Johnson to reconvene the regular Commission meeting at 9:30 p.m. Motion was approved by all members present.

(18)

PERSONNEL ITEMS

It was the consensus of the Commission to adhere to the personnel policy in regards to reimbursement of training costs when an employee terminates his or her employment with the County.

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(19)  
MEETING ADJOURNMENT

Commission Chairman Kent Petersen adjourned the meeting at 9:35 p.m.

ATTEST  CHAIRMAN 

5

Commission Minutes  
November 1, 1995

Commission Chairman Kent Petersen:

1. He discussed concerns over the drilling action taking place on BLM property. Discussed was possible planning and zoning ordinances which would help the County to monitor the activity.

(13)

EXECUTIVE SESSION

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to adjourn to Executive Session at 10:40 a.m. Motion was approved by all members present. Those present during Executive Session were Commissioners Kent Petersen, Bevan Wilson and Randy Johnson; County Attorney, David Blackwell and Clerk, Bruce C. Funk. Discussed was the Bear Creek Campground maintenance contract and payment for the month of October on that maintenance contract.

The Executive Session was recessed until November 7 at 4:00 in the Commission Conference Room. The Commission reconvened the regular Commission meeting at 11:00 a.m.

(14)

DISCUSSION OF BEAR CREEK CAMPGROUND MAINTENANCE CONTRACT

An Executive Session having been held, it was the consensus and direction of the Commission that a meeting be set with Dave Thompson and Dennis Durrant for November 7, 1995, at 4:00 p.m. and that the Commission recess the present Executive Session until that time to review the matter further with all parties involved. The Attorney's office was directed to notify Mr. Durrant that the County will terminate his contract and the meeting date and time.

Whereupon, motion was made by Commissioner Randy Johnson to approve the warrant/check edit list and requisitions as presented with the exception of the claim to Dennis Durrant until after conclusion of the meeting on November 7, 1995, at which time a determination will be made as to the funds payable to him. Also, the claims received for labor on the television tower should be submitted to the contractor for payment instead of the County. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

STEVEN L. BROWNING TAX NOTICES

Auditor, Ross Huntington informed the Commission that he has two tax notices on the Consol property. Those properties are listed on the tax rolls in the name of Steven L. Browning. It has been determined by the Attorney's office that Consol does own the property. His inquiry of the Commission was where to

Browning Tax Notices, cont. . . .

send the notices. This being the last day to make the legal mailing. Whereupon, County Attorney, David Blackwell informed Mr. Huntington to proceed in mailing them to Mr. Browning, wherein the parties will recognize a lien on those properties by the County.

(16)  
RECONVENE EXECUTIVE SESSION

Commission Chairman Kent Petersen recessed the Commission meeting at 11:15 a.m. to reconvene the Executive Session on November 7, 1995, at 4:00 p.m. in regards to item #13 of these minutes.

Executive Session reconvened November 7, 1995, at 4:35 p.m. Those present were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; Dave Thompson; Auditor, Ross Huntington; Clerk, Bruce Funk; and Dennis Durrant. The purpose of the session was to continue the discussion in regards to the Bear Canyon Campground Maintenance Contract to include and hear from all parties involved.

All parties having given their response, Commission Chairman Kent Petersen reconvened the regular Commission Meeting of November 1, 1995, at 5:22 p.m.

(17)  
BEAR CANYON CAMPGROUND CONTRACT

Commission Chairman Kent Petersen indicated that since all parties in regards to the Bear Canyon Maintenance Contract have been heard, he noted that there may be fault on both parties. He indicated that both the County and the contractor have learned something and emphasized the need as a contractor for Mr. Durrant to live up to the contract. It was noted by all that the contract is very open and many times did not detail the frequency as to many aspects of care of the campground.

Commissioner Randy Johnson noted that as a contractor Mr. Durrant is ultimately responsible. If there were aspects of the contract that Mr. Durrant questioned, he should have gotten to a responsible party to see that needs were taken care of.



Commissioner Bevan Wilson discussed the problems with being self employed and the difficulty in working with the public and what they expect. He expressed hope that Mr. Durrant was not discouraged, realizing it was a hard lesson.

Therefore, motion was made by Commissioner Randy Johnson to pay Mr. Durrant for his Bear Canyon services as per the contract up through October 1995. At which time his contract had been terminated. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(17)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 5:30 p.m. was made by Commissioner Randy Johnson, seconded by Commissioner Randy Johnson 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

November 15, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

(1)

CONSIDERATION AND APPROVAL OF AMENDMENTS TO RESOLUTION 9-6-95C - CASTLE VALLEY SPECIAL SERVICE DISTRICT BONDS

Castle Valley Special Service District Administrator, Darrel Leamaster came before the Commission to discuss proposed amendments to the 9-6-95C Resolution. He noted that in the original agreement the bonds designate Zion's Bank as the escrow agent. They would like to change that to the State Public Treasurer's Investment Fund. The second item is that the bond amount would be reduced to \$570,000, but the actual use for the project would be \$614,175 of voter authorized bonding capacity. The difference is the interest accrued due to the change in the time table. These monies would be used as part of the water transmission and storage facility located north of Castle Dale.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the proposed recommended changes as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Mr. Leamaster at this time also informed the Commission that he would like to set up a meeting with the Commission, the Bureau of Reclamation and Emery Water Conservancy District in regards to the landfill and its future expansion and this relationship to existing water canals. This was set for November 29, 1995, at 9:30 a.m.

(2)

DISCUSSION OF AIR POLLUTION IN EMERY COUNTY

Paula Wellnitz informed the Commission that over the last four year she has observed increasing pollution in the skies over Emery County. This is a result of the Power Plants. She inquired of the Commission if the County was monitoring the pollution and were the plants taking care of the pollution properly.

Commission Chairman Kent Petersen discussed the plant monitoring as well as state monitoring by the Bureau of Air Quality.

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Air Pollution, cont. . . .

Also discussed was that the plants are required to maintain records. They are required to report any deviance from those set standards to the Bureau of Air Quality.

Mrs. Wellnitz further inquired if they are in compliance with the present regulations.

Commissioner Petersen discussed the possibility of having the representatives of Utah Power as well as plant management here to discuss this during their next quarterly meeting suggesting concerned citizens be in attendance.

Commissioner Bevan Wilson indicated that air quality has been addressed in the wilderness plan and it is being reviewed. Possibly utility companies would be involved in that.

(3)

JASON HATT - REQUEST FOR DONATION

Auditor, Ross Huntington on behalf of Jason Hatt, who was unable to be in attendance, discussed with the Commission Mr. Hatt's request for a donation to help cover expenses in his participation on the State All Star Team. His research indicated that the Commission had previously approved \$50 for such request. Therefore, that would be his request on behalf of Mr. Hatt.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the \$50 donation to Mr. Jason Hatt. Motion was approved by all members present.

(4)

SHERIFF'S BUSINESS

A) Sheriff, Lamar Guymon briefly discussed parking problems at Trail Mountain. He indicated that parking is taking place on the County road because of insufficient space. If this is not resolved, he would bring it back to the Commission.

Bryant Anderson indicated this was a violation of the site plan. It is hoped this violation would be corrected by next Monday.

B) Sheriff Guymon indicated that through discussions with Emery Telephone, they have now agreed to install a power meter at the Horn Mountain facility and will reimburse Emery County for power use. He also indicated that they have had somewhat of the same problem on the Cedar Mountain.



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(5)  
BUSINESS LICENSE

Clerk, Bruce C. Funk presented the business license application for Perry Bunderson of Moore, Utah, to conduct a contract fencing business specializing in game fences under the name of Desert Edge Fencing.

Mr. Bryant Anderson indicated that this is a premise occupation type which he will introduce later for Commission consideration.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the business license for Desert Edge Fencing as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Assessor, James Fauver indicated that as such his farm equipment used in the fencing business would be taxed as business assets and would lose the farm exempt status.

(6)  
RATIFICATION OF THE OPERATIONAL GUIDELINES OF THE EMERY COUNTY PUBLIC LANDS COUNCIL

This having been approved in the previous Commission meeting, but because of not receiving proper notice, it was therefore placed on the agenda at this time for ratification.

Whereupon, motion was made by Commissioner Randy Johnson to approve and ratify the action of the Commission meeting of November 1, 1995, approving the operational guidelines of the Emery County Public Lands Council. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)  
APPROVAL OF BUDGET WORK SESSIONS

Commission Chairman Kent Petersen, with the concurrence of the full Commission submitted the following schedule for budget work sessions. Thursday, November 16 - 9:00 a.m. to 11:30 a.m.; Tuesday, November 21 - beginning at 9:00 a.m.; Recreation District budget review on December 5 at 7:00 p.m.; Fire District budget review on December 11 at 5:30 p.m.; Special Service District #1 on December 12 at 4:00 p.m.; the final adoption of the Emery County and Castle Valley Special Service District Budgets set for the regular Commission meeting on December 15 at 6:00 p.m.

(8)  
IMPOSITION OF CORPORATE FRANCHISE TAX ON MUNICIPAL BUILDING AUTHORITY

County Attorney, David Blackwell indicated that he has reviewed the information received from the State Tax Commission. It is an adverse decision whose affect would be minimal upon Emery County. He noted that the County

Corporate Franchise Tax, cont. . . .

only has one contract and therefore the total cost to the County would be \$250. They have been requested by other Counties to join in an appeal. Their request is that Emery County contribute \$750 to \$1,250.

It was therefore, his recommendation that the Commission not join in the appeal, but at this time pay the approved payment of \$250 as a minimal expense. It was agreed by all that they need to be aware of this franchise tax in the future. Mr. Blackwell indicated that he is hopeful the legislature would change this law.

Therefore, it was the recommendation of Commissioner Bevan Wilson that Emery County respond back to the requesting counties indicating that UAC has a litigation fund and staff and suggested this be taken on as a project under UAC.

Commission Chairman Kent Petersen indicated that the County would not contribute to the appeal but would join in a lobbying effort.

(9)  
APPROVAL OF MEMORANDUM OF UNDERSTANDING - RURAL UTAH PUBLIC LANDS COUNCIL

The Commission reviewed a request from Bob Weidner. Wherein, he has requested \$10,000 for services for 1996. He is a lobbyist for the Rural Utah Public Lands Council in Washington, D.C. Discussed was the success of his efforts and that he does a good job. Those Commissioners who questioned him in the past expressed full confidence and support. It was noted the previous year assessment was \$8,500. At the UAC Conference, it was indicated most counties felt satisfied. It was the consensus of the Commission to approve the agreement, being contingent upon better representation on the Board, noting that Emery County is amongst the larger contributors.

(10)  
CLEVELAND CITY APPOINTMENT TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT

Commission Chairman Kent Petersen informed those present that he has received notice by letter from Cleveland City that they accept the resignation of Darcy Powell on the Emery County Recreation Special Service District Board. They would like to appoint Karen Nielson as their representative.

Whereupon, motion was made by Commissioner Randy Johnson to approve the appointment of Karen Nielson as Cleveland City representative on the Emery County Recreation Special Service District. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

DISCUSSION OF LARGE SITE PLAN FOR TEXACO GAS GATHERING PIPELINE SYSTEM

Planning and Zoning Director, Bryant Anderson discussed with the Commission a proposed upcoming large site plan covering five wells located on Buzzard Bench. This having been discussed with Planning and Zoning and the Commission in a previous meeting. This would consist of a gathering pipeline, compressor, dehydrator, production lines and injection well. However, the discussion was that the injection well would not be part of the plan at this time. His request of the Commission was to set a public hearing.

Craig Johansen of Johansen and Tuttle Engineering indicated that the injection well was part of the original proposed application. There is a lot of concern over the injection well, its impact on underground water and artisan wells. It would affect aquifers in the Navajo sandstone, possible contamination of wells throughout the County. There needs to be a serious look at the implications of such an injection system. A considerable amount of concern was expressed by all in attendance.

Mr. Anderson responded in that at the present he does not have an application from Texaco. What we would eventually be looking at would be two applications. One for the proposed gas collection system and one for an injection well.

Whereupon, after further discussion, motion was made by Commissioner Randy Johnson to set a public hearing on the proposed collection system and consideration of a large scale site plan for the gas collection system only (does not include the injection well) to be set for 6:00 p.m. December 15, 1995, to follow the public hearing on the Emery County budget. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

DISCUSSION OF PREMISE OCCUPATION

Planning and Zoning Director, Bryant Anderson presented to the Commission a draft Resolution covering "premise occupation". He noted that this would include those people who conduct their business outside of the home. This would bring a number of those who have been doing business for example out of their garage and on their property into compliance. There would be an annual business license as well as an inspection fee to assure that they are in compliance. This would be similar to the business license approved by the Commission today in regards to Mr. Bunderson.

Whereupon, motion was made by Commissioner Randy Johnson to set December 6, 1995, at 9:00 a.m. as a public hearing to receive comment on the proposed premise occupation. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Premise Occupation, cont. . . .

It was noted that Bryant Anderson would advertise both public hearings in the Emery County Progress.

(13)

DISCUSSION OF COURTHOUSE REDESIGN AND HVAC PROBLEMS

Commission Chairman Kent Petersen informed the Commission that Design West has been down and looked at the building in regards to the heating and air conditioning problems and also redesigning portions of the courthouse in order to provide additional office space. Looked at were possible ways of remodeling the Justice Courtroom and providing storage areas.

It was the consensus of the Commission that the heating and air conditioning was a top priority.

Auditor, Ross Huntington noted that the County currently has \$15,000 in courthouse renovation which could be used towards that.

Whereupon, motion was made by Commissioner Randy Johnson to authorize Design West to proceed with resolving the HVAC heating and air conditioning problems in the courthouse and table any action in regards to remodeling the courthouse for additional office space and storage until a walk through has been made by the Commission. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

EMERY COUNTY CHAMBER OF COMMERCE REQUEST FOR DONATION - SHOP EMERY COUNTY CONTEST

Chamber of Commerce President, Jim Fauver informed the Commission that the Emery County Chamber of Commerce is doing the Shop Emery County contest in hopes of encouraging local residents to do their Christmas Shopping locally. This year's gift will be a big screen television. The businesses are contributing \$50 plus a \$25 gift certificate as their part. The Cities are also contributing \$50 each.

The Commission indicated that the County presently subsidizes the Chamber of Commerce. The direct beneficiaries are local businesses and cities through sales tax revenues. Therefore, the Commission did not feel comfortable in participating with an additional contribution.

(15)

ROAD DEPARTMENT BUSINESS

Road Superintendent, Rex Funk informed the Commission on the following items:

Road Department Business, cont. . . .

A) They would like approval for the County Assessor to appraise the value of the UP&L maintenance facility located north of Castle Dale. It appears that it would be available because UP&L is moving their maintenance to Price and therefore, the building would possibly be available for occupancy by the Road Department and this value would allow him to begin negotiations.

B) He discussed his need in the acquisition of properties and right of ways for Emery County Special Service District #1, which is the Huntington North Loop Project as well as refurbishing the dip along the south spur, this to be a flood project.

C) He would also like permission to use the newly purchased tractor by the Recreation Department to provide snow removal on the new walkway at the bridge on Bott Lane.

Whereupon, motion was made by Commissioner Bevan Wilson to approve and authorize the Road Department to use the recently purchased Kabota Tractor of the Recreation Department for the purpose of snow removal on the bridge walkway on Bott Lane. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(16)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #85925 through and including #86056 for payment. It was noted there was a claim from the Emery County Travel Council requesting that Rosann Fillmore be paid \$500 for temporary director services. Commissioner Bevan Wilson indicated that this would be for the additional work and time she spends beyond her normal duties. This would be for a three-month period. Some concern was expressed in the request and also that the organization was not complying with proper public notices which are required by the Open Meeting Act.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
89	Three automatic defibrillators, two patient simulators - Ambulance	20,065.00	Approved
90	Two body guards and screen cages - Sheriff	1,207.39	Approved
91	Two speakers - Sheriff	590.00	Approved

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Auditor's Business, cont. . . .

The following disposition of asset forms were presented for Commission consideration:

Clerk's Office - Fujitsu Laser Printer, fixed asset #5129, serial #RX7100, to be junked

Clerk's Office - Panasonic Dot Matrix 9-pin, fixed asset #4898, serial #KX-P1595, it is 8-10 years old, works fair, wide carriage, very slow, needs print ribbon

Assessor's Office - Personal Computer "Rakoa - PK-VI", fixed asset #4737, to be sold in the County Auction

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment, requisitions for purchase and disposition of assets for disposal. Motion was approved by all members present.

(18)

COMMISSION MINUTES

The minutes of the November 1, 1995, Commission meeting were briefly addressed. It was noted that the conclusion and the results of the Executive Session held on November 7, 1995, needed to be added to them. Therefore, the Clerk was directed to include those and resubmit those minutes for Commission approval.

(19)

SHERIFF'S BUSINESS

Sheriff, Lamar Guymon informed the Commission that the County has received the COP grant of \$75,000 over three years to fund the half salary of a police officer. This money is not to be used to replace an existing one, but as prescribed through guidelines. The Commission indicated this would be discussed in the Personnel meeting next Tuesday, November 21 at which time they would give a response.

(20)

TAX ABATEMENT - PATRICIA HUNTINGTON

The Commission having been informed that Patricia Huntington has asked for an indigent abatement on her taxes for the year 1995. Original taxes were \$935. She had received an indigent adjustment of \$300. Last year her taxes were abated by one-half. Taxes will become delinquent on November 30.

Tax Abatement, cont. . . .

It was the consensus of the Commission that perhaps Ms. Huntington acquire accommodations which would be less burdensome to herself and to the tax payers of the County. Therefore, after further discussion, motion was made by Commissioner Randy Johnson to abate 1/4 of the taxes after the indigent adjustment and that in the future consideration be given as to whether the tax payers should be asked to carry this responsibility. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(21)

COMMISSION REPORTS

Commissioner Bevan Wilson:

1. He discussed the Road District meeting and meetings with the Telephone Company addressing overlapping utilities. He discussed the need to possibly bring the utility companies together in a meeting and possibly upgrade the encroachment ordinances.

(22)

MEETING ADJOURNMENT

Motion to adjourn the meeting was made at 8:55 a.m. by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson. Motion was 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

December 6, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:04 a.m.

(1)

SUPPORT FOR EMERY COUNTY LAW ENFORCEMENT - SALARY INCREASES

Approximately 22 people, including Emery County Deputies and their spouses and other supporters were in attendance before the Commission at this time. Marian Mangum read to the Commission their petition for pay increases for Emery County Law Enforcement personnel. She noted that others could not be in attendance because of schedule conflicts. Their efforts were as a result of State support for the Utah Highway Patrol by their wives petitioning for salary increases. It was noted that many deputies wages are below those of the Utah Highway Patrol, and that their families because of the low wages qualify for many low income benefits. Over the ten years of service their increases have only amounted to \$1.25 per hour. Without holidays, it amounts to approximately \$.84. Their medical benefits have decreased.

The Commission inquired of Personnel Director, Pat Snowball if surveys had been done. She responded that they previously had been considered. However, she did not have them available at this time.

Commissioner Randy Johnson continued in that he agreed that deputies should be paid more than what they are presently receiving, provided the Commission is able to do so. The question was raised as to separating the holidays out and if this was acceptable, but did agree to do as much as possible, recognizing the significance of the duties of deputies.

Commission Chairman Kent Petersen concurred in Mr. Johnson's comments.

Road Superintendent, Rex Funk expressed strong support, calling attention to the same problems in the Road Department.

Treasurer, JoAnn Behling also gave support to such a pay increase.

Commission Chairman Kent Petersen again recognized the significance of their duties. However, he pointed out that Emery County is in a situation of declining revenues and at all times we are asked to do more with less money.

Sheriff, Lamar Guymon also noted that the request for services by his department has also gone up.



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Sheriff's Deputies, cont. . . .

Commissioner Bevan Wilson discussed his experiences working with the Sheriff's Posse and experiences in looking for suspects. He noted what it was like. They stand in a position of potential fatality. He noted his support of such a request.

It was the consensus of the Commission that they would certainly look into the matter to see what could be done to make it more fair and equitable if at all possible.

All parties expressed appreciation for them being in attendance.

(2)

CONSIDERATION AND APPROVAL OF A RESOLUTION DECLARING THE INTENT OF EMERY COUNTY TO ARRANGE FOR SHORT-TERM FINANCING - UAC TAX ANTICIPATION NOTE PARTICIPATION - RESOLUTION 12-6-95

Commission Chairman Kent Petersen reviewed the purpose for considering the Tax Anticipation Note at this time and turned the time over to Auditor, Ross Huntington. Mr. Huntington indicated the Resolution shows Emery County's intent to participate with other Counties through the Utah Association of Counties to purchase Tax anticipation notes. These to meet the County cash flow needs. He emphasized that he would take a less aggressive position than in previous years. The intent of the Tax Anticipation Notes is not to make money. Last year the County borrowed \$4 million. Therefore, he would be requesting anywhere from \$2.5 million to \$3.5 million which would be the maximum allowed amount. Also the Castle Valley Special Service District is doing a \$1.5 million General Obligation Bond which must be deducted from the total amount. Emery County would qualify for \$5 million. However, it was discussed in light of the number of capital improvement projects this year, it was anticipated that they would not have those same reserves to meet the cash flow needs, as pointed out by Commissioner Bevan Wilson.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve Resolution 12-6-95, declaring Emery County's intention to participate in the short-term tax anticipation notes as presented. Motion was approved by all members present.

(3)

ROAD SHOP

The Commission, together with Road Superintendent, Rex Funk informed those present of Utah Power's intent to move their maintenance facilities presently housed at Castle Dale to Price. It was noted this would not affect the services offered to the residents of Emery County by Utah Power either in emergency or payment of utilities. They are doing this to centralize their

Road Shop, cont. . . .

services. Therefore, possible consideration by the County would be to look at the vacated facility at Castle Dale as a possible Road Shop.

The Commission emphasized that consideration of the County using this for a Road Shop has not precipitated Utah Power's movement. They are only looking at it as an option which could provide a significant savings to the people of Emery County in the purchase of that versus the construction of a new road shop building. Whereupon, motion was made by Commissioner Randy Johnson to have the County proceed with negotiations and consideration of the building as per discussions with Utah Power wherein they have indicated the availability of the facility. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)  
MIKE STEWART TRAINING SEMINAR

Commission Chairman Kent Petersen briefly read a letter he received from former Salt Lake County Commissioner Mike Stewart. Mr. Stewart is in the consulting business to local governments. It was the consensus of the Commission that they were not interested in this type of offering at this time, but possibly some time in the future. Therefore, they gave his letter to Pat Snowball for her files.

(5)  
TAX ABATEMENT

Assessor, James Fauver informed the Commission that the property of Gary Foote in the Valley View Subdivision in Castle Dale has been re-valuated as a result of water damage. As a result structural engineering has been looked at by Johansen and Tuttle Engineering and they have made recommendations.

Mr. Fauver has further met with the Foote's. Their value prior to any adjustment was \$60,391, with taxes in the amount of \$536.10. Applying an adjustment due to the damage on the home, the value of the home would be \$53,195, taxes as a result would be \$472.20. They have paid taxes based on the adjusted amount. Mr. Fauver's recommendation to the Commission was that they abate the difference in the taxes of \$63.90.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the abatement of \$63.90 as requested. Motion was approved by all members present.

(6)

APPROVAL OF 1996 COMMISSION MEETING SCHEDULE

The Commission having reviewed the proposed 1996 Commission meeting schedule based on the current dates and times, it was the motion of Commissioner Bevan Wilson to change the time of the meetings on the third Wednesday to 4:00 p.m. rather than the 6:00 p.m. and that the second meeting in December be set for December 11 at 4:00 p.m. prior to the December 15 required date. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

January 3, 1996	9:00 a.m.
January 17, 1996	4:00 p.m.
February 7, 1996	9:00 a.m.
February 21, 1996	4:00 p.m.
March 6, 1996	9:00 a.m.
March 20, 1996	4:00 p.m.
April 3, 1996	9:00 a.m.
April 17, 1996	4:00 p.m.
May 1, 1996	9:00 a.m.
May 15, 1996	4:00 p.m.
June 5, 1996	9:00 a.m.
June 19, 1996	4:00 p.m.
July 3, 1996	9:00 a.m.
July 17, 1996	4:00 p.m.
August 7, 1996	9:00 a.m.
August 21, 1996	4:00 p.m. *To follow Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.
September 4, 1996	9:00 a.m.
September 18, 1996	4:00 p.m.
October 2, 1996	9:00 a.m.
October 16, 1996	4:00 p.m.
November 6, 1996	9:00 a.m.
November 20, 1996	4:00 p.m.
December 4, 1996	9:00 a.m.
December 11, 1996	4:00 p.m.

(7)  
APPROVAL OF 1996 EMERY COUNTY HOLIDAY SCHEDULE

Presented for Commission consideration was the following holiday schedule for 1996:

New Year's Day 1996	Monday	01-01-96
Human Rights Day	Monday	01-15-96
President's Day	Monday	02-19-96
Memorial Day	Monday	05-27-96
Independence Day	Thursday	07-04-96
Pioneer Day	Wednesday	07-24-96
Labor Day	Monday	09-02-96
Columbus Day	Monday	10-14-96
Veterans Day	Monday	11-11-96
Thanksgiving Day	Thursday	11-28-96
Christmas Eve	Tuesday	12-24-96 (1/2 day)
Christmas Day	Wednesday	12-25-96

Motion was made by Commissioner Bevan Wilson to approve the 1996 holiday schedule as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)  
RATIFICATION OF EASEMENT - ENCROACHMENT AGREEMENT BETWEEN THE BUREAU OF RECLAMATION AND EMERY COUNTY

Commission Chairman Kent Petersen discussed the Encroachment Agreement between the U.S. Department of the Interior, Bureau of Reclamation and Emery County. It covers the access across the Cottonwood Creek and Huntington Creek Canal where it crosses the DesBee Dove road for construction of a water line to the proposed County Road Shop facility north of Castle Dale. Also contained in the agreement is that the County would fence the Road Shop area and keep any run-off from entering the canal.

Whereupon, motion was made by Commissioner Randy Johnson to ratify the signing of the agreement. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

SETTING OF BUDGET MEETING

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to set a budget meeting for Wednesday, December 13 beginning at 9:00 a.m. Motion was approved by all members present.

(10)

ROAD DEPARTMENT BUSINESS

A) Project Acceptance - Road Superintendent, Rex Funk informed the Commission that the McFarland project on the Allred Ward County road, project #20811, has been completed by the Emery County Special Service District No. 1. The project engineer has completed the on-sight inspection and certifies completion. Therefore, it was his request of the Commission that they accept this road project as completed and into the County road system.

Whereupon, motion was made by Commissioner Bevan Wilson to accept the McFarland/Allred Ward road project as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

B) Bid Opening on the Castle Dale South Spur Project - Mr. Funk advised the Commission that a bid opening was held recently on the Castle Dale South Spur project. Only one bid was received. It was 50% more than the engineers estimate. He noted to the Commission that the County has the right to reject any or all bids and the right to negotiate. The only bid received was from Nielson Construction. Mr. Funk asked that Commissioners Kent Petersen and Bevan Wilson oversee any negotiation. It was his request that they would like to negotiate the amount of the bid to bring it nearer to the engineer's estimate.

Whereupon, motion was made by Commissioner Bevan Wilson to authorize the negotiation of the contract with Nielson Construction with further consideration to be given after negotiations. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

C) Landfill - Mr. Funk further suggested that the Commission move towards the tip tax and have it go into effect next year for commercial dumpers. This would be a price per ton. He recommended a rate of \$10 per ton be set together with an effective date. It was the consensus of the Commission that a public hearing be set for January 3 and that the Road Department notify the commercial users that the County is considering a fee and the effective date and that the Clerk's office provide public hearing notice in the paper.

Whereupon, after further discussion, motion was made by Commissioner Bevan Wilson to proceed in advertising a public hearing for January 3 in regards to consideration of implementing a tipage fee and establishing an effective date. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

## Road Department Items, cont. . . .

D) Mark H. Williams Property Right-of-Way - Mr. Funk also reviewed with the Commission that in considering work on the Castle Dale South Spur that a right of way needed to be obtained from Mark H. Williams. In years past the County has gone beyond the prescribed right-of-way. With the new project additional areas would be required. He and Commissioner Wilson and Petersen have reviewed the area and the past history and feel very comfortable in recommending a settlement of \$1,000.

Whereupon, motion to approve the amount for the right-of-way as presented was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson. Motion was approved by all members present.

(11)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #86226 through and including #86399 for payment. The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
57-A	Four Wheelchairs and one extra large wheelchair - Nursing Home	1,750.92	Approved
92	Six file cabinets - Green River Justice Court	679.00	Approved
93	Mobile radio - Sheriff	4,227.00	Approved
94	1995 Ford F150 Truck - Animal Control	15,631.00	Approved

A disposition for fixed asset form was presented on a 1989 Chev S15 Pickup Truck with Camper Shell, vin #1GCDC14Z9KZ253856 from the Sheriff's office. This vehicle was previously approved for disposal and was used as a trade-in for the 1995 Ford F150 Truck for Animal Control.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment and requisitions for purchase and to ratify the disposal of the 1989 pickup as presented. Motion was approved by all members present.

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December 6, 1995

(12)  
SETTING OF PUBLIC HEARING FOR PREMISE OCCUPATION RESOLUTION - PLANNING AND ZONING

At this time, the Commission set a new public hearing date for consideration of the Premise Occupation Resolution as proposed by the Planning and Zoning Commission for January 3 at 9:30 a.m. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the setting of the public hearing as discussed. Motion was approved by all members present.

(13)  
COMMISSION MINUTES

The minutes of the November 1, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson to approve the minutes as corrected. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The minutes of the November 15, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson to approve the minutes as corrected. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following Personnel Items for Commission consideration:

A) Road Department - The following employees will receive automatic annual increases: Brent Farrer, Landfill Operator/Technician, hired 12-7-94. To go from a Grade 12, Step B or \$10.29 per hour to a Grade 12, Step D or \$10.74 per hour, effective 12-7-95. Bruce Pierce, Operator I, hired 11-28-94 to go from a Grade 7, Step B or \$8.34 per hour to a Grade 10, Step B or \$9.46 per hour effective 11-28-95.

B) Road Department - Approval is requested to confirm the appointment of Michael Miller to work at the landfill in a temporary up-to-90 day capacity at \$7.83 per hour effective 11-30-95. This appointment will be a replacement for Andy Deto who left before his temporary assignment was completed.

C) Assessor - Approval is requested to hire Nadine Thompson as Deputy Assessor I, Grade 4, Step A or \$7.21 per hour effective 11-27-95. This is a part-time position (3/4 time) which is eligible for prorated benefits.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the personnel items as presented. Motion was 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, 1995

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; and Deputy Clerk, Wendi Downard.

The meeting was called to order by Commission Chairman Kent Petersen at 6:00 p.m.

(1)

PUBLIC HEARING ON AMENDMENTS TO 1995 BUDGETS

Commission Chairman Kent Petersen opened the meeting to a public hearing to receive public comments on amendments to the Emery County General Fund, Capital Projects Fund, Capital Replacement Fund and Class B Road Fund Budgets for 1995. Auditor Ross Huntington explained that there were several unforeseen expenses that occurred in different departments in 1995 that were not budgeted. There was a slide on the switchbacks that was an emergency situation. Eco-Challenge was another expense. The Commissioners need another \$6,000.00 in their budget to offset some of their travel expenses partially due to the public lands issues. The Public Defender needs an additional \$46,000.00 to offset some legal costs in the Pearson case. The Clerk's office needs \$3,500.00 which was a budgeting error from last year. The Attorney's office needs an additional \$1,500.00 to cover some of the County Attorney's travel expenses for the Pearson case. Planning and Zoning needs another \$7,710.00 because that is where all the expenses involved with the public lands issues were channeled. Other additional funds needed are as follows: Sheriff's office - \$125,000.00, Wildland Fire - \$850.00, Corrections - \$38,000.00, Communications - \$28,929.00, Ambulance - \$5,000.00. Some of these expenses will be compensated for by subtracting \$20,000.00 from the Nursing Home budget which was not spent. The Highway department needs another \$25,000.00 and Landfill - \$2,500. The Recreation department has an excess of \$20,000.00 and that will be used to offset some of these other expenses. Unemployment Worker's Compensation billed us \$38,000.00 more than they said they were going to when the budget was being prepared. The Centennial Fund needs \$17,000.00 and



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1995 Budget Amendments cont. . .

\$20,000 is needed in the Non-departmental department to cover the interest on the tax-anticipation notes as the amount of interest is not known at the time the budget is prepared each year. The tax-anticipation notes will have a revenue of \$95,000.00 for us but, at this time, an additional \$20,000.00 is needed to cover the costs. \$3,000.00 is needed for wilderness costs that were charged to the Non-departmental department. The Class B Roads budget was \$1,466,291.00, they will receive \$1,629,899.00, which is also the amount of their expenses and an adjustment just needs to be made on the books. Another adjustment needs to be made for the Capital Projects fund. The Special Projects line item needs to be increased from \$25,000.00 to \$50,000.00 and that will be done by decreasing the Records Storage Building line item from \$25,000.00 to \$0.00. That adjustment is to pay for the maintenance department that was put on this summer and for purchase of equipment for the recreation complex. Television Special projects needs \$35,000.00 for a couple of translators. \$35,000.00 will be taken from the Road Shop line item to offset this. Ross indicated that in making these adjustments, there is \$684,000.00 of additional interest income that will be used to offset the \$290,000.00 increase in our budget.

Commission Chairman Kent Petersen inquired if there were any comments in regards to the proposed amendments to the 1995 budgets. There being none, Commissioner Bevan Wilson made a motion to close the public hearing at 6:15 p.m. Commissioner Randy Johnson seconded the motion and it was approved by all members present.

(2)

#### PUBLIC HEARING ON 1996 BUDGETS

Commission Chairman Kent Petersen opened the public hearing at 6:30 p.m. for public comment concerning the 1996 tentative budgets for the Emery County General Fund, Class B Road Fund, Centennial Fund, E911 Fund, Library Fund, Economic Development Fund, Capital Projects Fund, Capital Replacement Fund, RSVP Fund, Enterprise Fund, and the Castle Valley Special Service District. Auditor Ross Huntington reported that the 1996 Emery County Budget calls for expenditures and revenue of \$9,273,602.00. He explained that this budget reflects a 5% decline in revenues from

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1996 Budget cont. . .

centrally assessed property and is a very conservative estimate of revenues and a generous estimate of expenditures. In addition he expects a 20% drop in our Federal PILT monies. Included in the budget is: a 2% cost of living increase for all employees effective January 1, 1996; a one-step increase for all employees up to Step P on their anniversary date (Step P and above will be considered on an individual basis on their anniversary date), this is essentially a 4% increase for all; law enforcement personnel will be paid holiday pay as a separate benefit rather than it being included in their regular salary as it is now; a 3% cost of living increase for all elected officials; an increase in Commissioners salaries from their current level to equal other elected officials; the creation of a new department, the Public Lands Department, to be partially funded by a contribution from the Emery County Special Service District #1; a contribution to the Capitol Projects fund of \$728,760.00; a contribution to the Capital Replacement Fund of \$119,150.00; a contribution to the Internal Service Fund of \$200,000.00 and a contribution to various groups, cities, organizations, etc. of \$117,025.00.

Mac Huntington of the Castle Valley Special Service District presented to the Commission their proposed 1996 budget. The Control Board has approved this budget. He indicated that the Service District does not intend to raise taxes and their three budgets do balance. The Operating and Maintenance Budget anticipates revenues of \$1,508,900.00 and expenditures of \$1,508,900.00. There will be no excess in the 1995 budget. The Capital Project fund has budgeted revenues of \$2,905,840.00 and the same amount of expenditures. The Debt Service Fund has budgeted revenues of \$2,343,000.00 and the same amount of expenditures.

Commission Chairman Kent Petersen inquired if there were any comments in regards to the proposed 1996 budgets. There being none, Commissioner Bevan Wilson made a motion to close the public hearing at 7:00 p.m. Commissioner Randy Johnson seconded the motion and it was approved by all members present.

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(3)

PUBLIC HEARING ON APPROVAL OF A SITE PLAN FOR TEXACO EXPLORATION  
AND PRODUCTION, INC.

Commission Chairman Kent Petersen opened a public hearing at 7:00 p.m. to receive public comment concerning approval of a site plan for Texaco Exploration and Production, Inc. to install a gathering system for the coalbed methane gas wells on Buzzard Bench southwest of Orangeville. John Tipton of Texaco Exploration addressed the Commission as well as Joe Fisher, who is the construction superintendent and John Garr, who is a hydrogeologist with Montgomery Watson Environmental in Salt Lake City. Mr. Tipton explained that there are presently 5 gas wells that have been drilled in the Buzzard Bench area and they are requesting approval to run a gas line and a water line that will connect into the Questar line that is already in place. The line will also connect to an injection well for disposal of the water and may possibly be extended to other wells in the future, depending on what they find. Mr. Tipton indicated that this project is just in the exploratory phase and they do not know what the future development will be. The plan includes a 800 horse power compressor and dehydration unit as well as storage tanks. At some point, they may be constructing a portable building for their computer equipment and employees. They expect to have only a handful of employees to maintain the project once the wells are producing. Deputy County Attorney Allen Thorpe advised those present that the site plan being considered for approval at this time does not include approval for the injection well into the Navajo Sandstone and that there will be a separate public hearing on that. Bryant Anderson and Tracy Jeffs explained where this is at in the permitting process. There being considerable concern expressed about the injection well, Mr. Tipton explained at this time what the procedure would be for getting a permit from the state to utilize the well. He indicated that they will have to do some testing to determine the contamination level of the water at the level they are planning to inject water and, if it is less contaminated than the water they will be putting into it, the state will not give them a permit. He indicated that the Division of Oil and Gas Mining will be monitoring the well and they must get approval from them. Eugene Johansen of the Emery County Water Conservancy District expressed a great concern about the injection well and read a letter from the District indicating the need to protect our potable water and expressing concern that a plan be in place

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Texaco Exploration Site Plan cont. . .

to monitor the well. He informed those present that the water in the San Rafael is about twice as pure as the water that Texaco has been extracting. Mr. Fisher explained about the water and the possible results of the operation as it affects our water. Several questions were asked as to the benefits, if any, to the county that this project will have. Rosann Fillmore advised that a study is being done to determine that. There will be some royalties to the county and to the citizens that have leased their land to Texaco, but this project will not provide a great deal of employment to the county. Mr. Tipton advised that local contractors have been contacted and may be used in the future. Several citizens, and especially citizens of Orangeville, expressed concerns and asked questions about where this development is going and how big it may get to be. Concern was expressed, because of the fact that this project is so close to Orangeville, about the noise from the compressor and if this will be an unsightly part of the landscape. Further concern was expressed about how it will affect grazing, wildlife and recreation in the area. Mr. Tipton advised that, if the operation develops further, an environmental impact study will be conducted. He also indicated that, if they do not get approval for the injection well, they would need to dispose of the water by trucking or evaporation ponds and that may make the project too costly to continue with. He explained about a secondary containment system to prevent the possibility of a spill from the storage systems. The Commission expressed thanks to all those in attendance for their comments and explained that this is new to them and they wish to get a plan and procedure in place as there are other companies looking at the same type of operation. Commissioner Bevan Wilson made a motion to close the public hearing at 8:45 p.m. Commissioner Randy Johnson seconded the motion and it was approved by all.

(4)

REQUEST FOR FINANCIAL ASSISTANCE ON PROPOSED SKATING PARK IN FERRON

Garth Larsen of the Ferron City Council came before the Commission to discuss the building of a skating park in Ferron. He indicated that a survey was conducted by CARE, a group concerned with the safety of our youth, to find out what type of recreation facilities people would like to see in the county.

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Ice Rink at Ferron City. . .

The ice skating rink received over 700 responses. He briefly discussed the plan they have in mind and presented the commission a sketch of the project. He indicated that they had planned to approach CIB for funding, but were told that they needed to explore the possibility of donations. They were also asked about the Emery County Recreation District. Mr. Larsen asked for clarification on the Recreation District. Commission Chairman Kent Petersen explained that the district does not have any source of income and does not have the ability to set up a taxing income. Mr. Larsen also asked about using PILT monies, but the Commission indicated that there are only certain things that money can be used for legally and right now those funds are going to Castle Valley Special Service District #1 for roads. Commission Chairman Kent Petersen suggested to Mr. Larsen that he meet with the Council of Governments to see what help or ideas he could get from them.

(5)

CITIZENS CONCERNS

Rosann Fillmore advised that there has been some talk about closing the Dinosaur Quarry because of lack of funds from the BLM. Possible options were discussed for keeping the quarry open including a small fee at the visitor center or putting it under state jurisdiction.

Randall Stilson expressed several concerns about the drop station to be installed at the landfill and how it would be operated. He indicated that people will not use the proper bins because no one will be there to oversee them and that will make a big job of sorting. He also expressed a concern about liability and vandalism and whether the cost of the project will be worth it. The Commission expressed appreciation for Mr. Stilson's input and advised him that there will be a public meeting on this and that he should be sure to be in attendance. Commission Chairman Kent Petersen further advised Mr. Stilson that some of his concerns have been addressed since the first set of plans were developed and the current set of plans would be out before the public hearing.

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(6)

APPROVAL OF RESOLUTION AMENDING THE 1995 EMERY COUNTY GENERAL FUND, CAPITAL PROJECTS FUND, CAPITAL REPLACEMENT FUND, AND CLASS B ROAD FUND BUDGETS

A public hearing having been held, motion was made by Commissioner Randy Johnson to approve Resolution 12-15-95B to make certain amendments to the 1995 budgets. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

APPROVAL OF RESOLUTION ADOPTING THE 1996 BUDGETS

A public hearing having been held, motion was made by Commissioner Bevan Wilson to approve Resolution 12-15-95A adopting the 1996 budgets for the Emery County General Fund, Class B Road Fund, Centennial Fund, E911 Fund, Library Fund, Economic Development Fund, Capital Projects Fund, Capital Replacement Fund, RSVP Fund, Enterprise Fund, and the Castle Valley Special Service District. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(8)

APPROVAL OF SITE PLAN FOR TEXACO EXPLORATION AND PRODUCTION, INC.

A public hearing having been held, motion was made by Commissioner Bevan Wilson to approve the site plan for Texaco Exploration and Production, Inc. to install a gathering, production system for the coalbed methane gas wells on Buzzard Bench. It was made clear that the site plan does not include the injection well but that it does include the 5 wells now in place together with their tie in to the Questar line and to the collection tanks. Commissioner Bevan Wilson advised Texaco representatives that they will have to apply for building permits on any structures. The plan will include the portable compressors and line used for testing purposes on the injection well. They will have to apply for additional permits for any future wells and their lines to Questar. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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(9)  
SETTING OF HEARING TO RECEIVE PUBLIC COMMENT ON PROPOSED PUBLIC  
NUISANCE ORDINANCE

Planning and Zoning Administrator Bryant Anderson advised the Commission of the need for a public hearing on the proposed Public Nuisance Ordinance. Motion was made by Commissioner Bevan Wilson to set the meeting for January 3, 1996 at 9:30 a.m. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)  
CONSIDERATION AND APPROVAL OF EMERY COUNTY TRAVEL BUREAU BYLAWS

This item was tabled at this time.

(11)  
DISCUSSION OF UACIM RISK REVIEW FOR EMERY COUNTY

Commission Chairman Kent Petersen discussed the results of the UACIM risk review and the recommendations from that review. The first recommendation was that we get our employees who have CDLs on a drug and alcohol testing program. It was also recommended that the driving record of all county drivers be reviewed once a year and the county vehicles be inspected to prevent abuse. The loss prevention team should hold regular at least monthly meetings. It was advised that we should require groups and organizations using our facilities to show evidence of adequate liability. All county drivers should be required to take a defensive driving course. All employees took such a class two years ago. First floor hallways needed to be cleared of boxes, etc., and that has been done. Maughan Guymon indicated that he would like his drivers to be included in the testing pool with the other county drivers because he has so few.

(12)  
ROAD DEPARTMENT/LANDFILL ITEMS

Since there was no one present from this department, this item was passed.

(13)  
APPROVAL OF DONATION OF AMBULANCE TO AMERICAN LEGION

Auditor Ross Huntington advised that the county has received a request from the American Legion about donating a 1951 Dodge ambulance to them. He explained that John Leeflang takes these old military vehicles and restores them for use in parades and that it could be used in any of our parades upon request. The title to the ambulance has not been found and may be lost but a duplicate title may be obtained by the county or by the American Legion if the vehicle is given to them. Sheriff Lamar Guymon indicated that several of these vehicles which were donated to the cities have already been sold and that this one has been sitting up to the Sheriff's Office for many years. Motion was made by Commissioner Bevan Wilson to donate the ambulance to the American Legion. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)  
AUDITOR'S BUSINESS

Auditor Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #86645 through and including #86793 for payment. The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
95	One Big Screen T.V. - Nursing Home	\$ 849.48	Approved
96	One drain cleaner - Nursing Home	\$1,170.00	Approved
97	One exerciser for senior adults - nursing home	\$1,931.00	Approved
98	One file cabinet for survey plats and base - Recorder	\$ 688.94	Approved

A disposition for fixed asset form was presented on a dishwashing machine from the nursing home which was junked.



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Whereupon, motion was made by Commissioner Bevan Wilson to approve the warrants for payment and requisitions for purchase and to approve the disposal of the dishwashing machine. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

COMMISSION MINUTES

The minutes of the December 6, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(16)

PERSONNEL ITEMS

Personnel Director Pat Snowball presented to the Commission for their consideration Resolution 12-15-95C amending the Personnel Policy as to fringe benefits, hours worked and adding a substance abuse policy. Effective date to be January 1, 1996. Motion was made by Commissioner Bevan Wilson to approve Resolution 12-15-95C. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)

OTHER BUSINESS

It was reported that a man and women had waited at the Courthouse for 2 hours this afternoon for someone to open the Justice Court office so that they could pay a ticket. They were on their way to Arizona and had been told someone would be at the office to accept their payment.

(18)

MEETING ADJOURNMENT

Motion was made by Commissioner Randy Johnson to adjourn the meeting at 10:25 p.m. Motion was seconded by Commissioner Bevan Wilson 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

January 3, 1996

Those present at the meeting were Commissioners Randy Johnson and Bevan Wilson; Deputy County Attorney, Allen Thorpe; and Clerk, Bruce Funk.

The meeting was called to order by Commissioner Randy Johnson at 9:00 a.m. He wished Utah a Happy 100th Birthday. He excused Commissioner Kent Peterson who is in Green River speaking as part of the Centennial celebration and train ride.

(1)

PUBLIC HEARING - EMERY COUNTY LANDFILL - IMPLEMENTATION OF COMMERCIAL TIPAGE FEE TO DUMP REFUSE

At this time the Commission turned the time over to Road Superintendent, Rex Funk who outlined the purpose of the public hearing which is to invite people to respond to the proposed implementation of a Commercial tipage fee to dump refuse at the Emery County Landfill. In previous years the County has been able to fund the landfill out of the general budget. However, they are incurring increasing costs due to increased regulations and the types of debris deposit at the landfill such as batteries, refrigerators and other bulk items such as trees. They do want to be fair to the commercial haulers. He further described the problem of trashing of public lands and the problems of not having the landfill open extended hours. He discussed a proposed drop station at a cost of approximately \$101,000. It was proposed to spend approximately \$60,000 for running of utilities to the landfill. Also, water has to be run to the facility. He discussed that all the new regulation costs need to be borne by the people. Emery County is about the only County that does not have a tipage fee. He proposed that it be set at \$10 per ton. The County landfill receives an average of 60 tons of trash per day. Therefore, requires more stringent State and Federal regulations. He did not contemplate small businesses incurring any costs. They will not have a scale installed until 1997 which is at a cost of approximately \$57,000. In the meantime, they would have to identify each commercial hauler and use the average weights from their tickets from the ECDC landfill as well as on-site observation and determination of tonnage. He noted that the State regulatory officials have commended the County in their efforts in regards to the landfill.

Susan Hilliard inquired as to the cost per family and would there be a ceiling. Mr. Funk responded in that previous Commissions have been very conservative and have not wanted to pass any additional costs on to the public.

Public Hearing, cont. . . .

Commissioner Randy Johnson clarified that the Commission had no intent to implement costs on private citizens. However, they could not commit future Commissioners because of increasing tax burdens and the struggle for funds and increasing regulations.

Scott Barney inquired if the drop stations outside the landfill would be available 24 hours a day and his concern over hazardous materials being dumped in those.

Mr. Funk responded in that currently such containers are not regulated.

Commissioner Randy Johnson recognized the time as 9:30 a.m. which is the hour at which the public hearing on the Premise Occupation section to the Planning and Zoning Ordinance has been set to begin. He indicated to those present that public comment will be received following comments in regards to the Commercial Tipage Fee.

Wesley Hilliard inquired as to a possible transfer station in which debris would be gathered and hauled to the ECDC landfill near East Carbon.

Dan Pulley of M&P Enterprises informed the Commission that they do not like to see any type of fee. Any type of increased cost would be passed on to the consumer. Most people feel they are presently paying a lot of taxes. He indicated he understood the County's position and would do what had to be done.

Lamond Williams of City Sanitation thanked Road Superintendent, Rex Funk and his staff at the landfill, noting that it is one of the cleanest landfills in which they deposit refuse. He discussed previous drop boxes in Ferron, Emery and Orangeville. Some of these drop boxes have been removed because of inappropriate use. He also indicated that any additional fees would be passed through the Cities as their contract requires that the cities take care of all landfill costs. He further noted that they support many special activities as well as M&P. Wherein, they have provided free refuse containers and it would be unfair for them to pay an additional fee to dump those containers. He asked that the Commission keep this in mind.

Jacqueline Williams, partner in City Sanitation, inquired if Emery County cares if they receive waste from other Counties. Mr. Funk indicated that they did not anticipate they would at this time. She further indicated that ECDC is frequently closed.

Commissioner Bevan Wilson further discussed the purpose and needs for consideration of a tipage fee. He indicated that he would like to meet further with the commercial haulers. If imposed, discuss an effective date as well as the amount.

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January 3, 1996

Public Hearing, cont. . . .

Mr. Williams indicated that the Commission should also invite the mayors as this does effect City Councils.

Therefore, it was agreed that they would coordinate this through the Council of Governments.

Jeff Staley inquired as to what happened to the dumpster in the Emery area.

Mr. Williams responded that because of the type of refuse, mainly trees, being deposited, that the cost became prohibitive for them to pick those up.

Jeff Staley indicated that unless citizens have a convenient way to dump legally, illegal dumps will continue.

Mr. Funk responded that is a concern and efforts are being made to identify illegal dumps and clean them up.

Ron Barney inquired as to why the County spends \$300,000 on the drop station in Castle Dale and why the County doesn't set up dumps closer to towns and make it more convenient to dump. If a dump station is open 24 hours a day, someone will dump hazardous materials there during the times they are not staffed.

Rex Funk clarified that the dump station cost will be approximately \$101,000. The rest of the \$300,000 is for capital projects at the landfill site.

Commissioner Randy Johnson again emphasized that the County is looking into dump stations.

Tracy Jeffs noted that everyone looks towards the County and that cities are available to make their own landfills. However, the costs are prohibitive.

Bruce Funk inquired as to what the anticipated cost increase would be to residential consumers.

The commercial haulers responded in that this would require further negotiations through the cities as to what those increased costs would be.

Commissioner Randy Johnson recognized the time of 10:00 a.m. which is the hour at which the public hearing on the adoption of a Public Nuisance Ordinance has been set to begin. He indicated to those present that public comment will be received following comments in regards to the Commercial Tipage Fee and the Premise Occupation.

Commissioner Bevan Wilson in conclusion noted that recycling starts at home. People need to take the responsibility to recycle. Much has been said about National, State and County to implement recycling programs. There needs to be

Public Hearing, cont. . . .

an effort to educate people to begin a recycling program. There are costs associated with recycling in that there is not a market for some of the recycled materials.

Landfill Supervisor, Randall Stilson emphasized that recycling begins at home.

At this time, the Commission brought the public hearing to a close. They suggested that those with additional comments submit those to the County Commission or Mr. Funk for further consideration.

Whereupon, motion was made by Commissioner Bevan Wilson to close the public hearing on the Commercial Tipage Fee at the Emery County Landfill at 10:09 a.m. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(2)

PUBLIC HEARING - PREMISE OCCUPATION SECTION INTO THE PLANNING AND ZONING ORDINANCE

The Commission opened the public hearing to receive public comment on the Premise Occupation at 10:10 a.m. They turned the time over to Planning and Zoning Director, Bryant Anderson. Mr. Anderson indicated that this Ordinance has had considerable discussion. The Planning and Zoning Board and staff together with Attorney, Allen Thorpe have reviewed and rewritten this a number of times. He discussed the need for a premise occupation ordinance in that the only businesses allowed now are home occupations in which the business is an integral part of the home. There are ordinances governing large-scale developments and there is a need for something in between. The owner must live on the premise. They can't appreciably change the home or the neighborhood. It takes into concern the traffic.

Bryce Brasher recognized it was required to have 10 acres to build in the County. As described, the trucks starting early in the morning creating noise as well as fumes to a neighboring home could easily relocate.

Eric Anderson discussed the problems of trucks parking in the middle of the night in Emery. The noise and exhaust bothers him.

Deputy Attorney, Allen Thorpe noted that the purpose was to increase the flexibility of present ordinances. They wanted to allow persons to conduct business, yet had to consider the impact on neighboring homes. He outlined the application and approval process. He indicated that in addition, there would be an annual inspection fee to make sure the businesses were in compliance.

Susan Hilliard inquired as to the initial permitting fee in the County and would businesses already created in the County have to pay this fee.

Public Hearing, cont. . . .

Mr. Anderson responded that discussed has been anywhere from \$100 to \$300 and existing businesses would be required to come forth and make application.

Wesley Hilliard stated that based on consideration for neighbors, aren't there already laws in place to provide for rights of neighbor. He feels the County is trying to take over.

Bruce Funk indicated the proposed Premise Occupation was vague and open to interpretation. It interferes with one's right to go into business and fail or succeed. The costs are excessive. He recommended the Planning Commission hold another hearing and then make recommendations to the County Commission. He recognized the need for an Ordinance, but this one needs improvements.

Commissioner Bevan Wilson asked Bryant Anderson or Allen Thorpe to clarify the intent of the Planning Commission as to whether they go onto the people's property to do the inspection or if they can do it as they drive by the property. Allen indicated they want to make sure the business has not expanded beyond the original application and could for the most part be done as a drive-by inspection. Bryant indicated this could be done only if it was obvious.

Later in the discussion, Commissioner Bevan Wilson discussed how the concept came about. He indicated what was here today doesn't mean what could or would be passed. He outlined the intent of the Planning Commission. He mentioned the amount spent by the County Economic Development to bring in jobs and they haven't seen a whole lot of success. This provides the opportunity for local people to go into business.

Cheryl Sorenson spoke in favor of the need for the Ordinance.

Others speaking in support of comments already made were Vernell Rowley, Wes Hilliard, Doug Ehler, Jeff Staley, Rickie Larson, Bret Mills and Susan Hilliard.

In an effort to bring this public hearing to a close, it was the recommendation of the Commission that any further comments be addressed to Planning and Zoning Director, Bryant Anderson or the County Commission for further consideration.

Therefore, motion was made by Commissioner Bevan Wilson to close the public hearing on the Premise Occupation at 11:03 a.m. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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Commission Minutes  
January 3, 1996

(3)  
PUBLIC HEARING - PUBLIC NUISANCE ORDINANCE

Commissioner Randy Johnson opened the meeting at 11:03 a.m. to receive public comment on the proposed Public Nuisance Ordinance. He then turned the time over to Planning and Zoning Director, Bryant Anderson. Mr. Anderson together with Deputy Attorney, Allen Thorpe, reviewed the proposed Nuisance Ordinance and its enforcement.

Titus Hilliard discussed concerns as to the legal authority of Mr. Anderson and others who would enforce the Ordinance. Discussed was on page 4 item 10 and page 5 item 2. He also inquired as to who decides whether it is junk.

Bryce Brasher inquired as to why we need wildlife officers to get involved.

Doug Ehler objected to making violations a Class B Misdemeanor. He feels this is too severe for violations on ones own property.

Eric Anderson inquired if it would allow him to collect old trucks for restoration purposes.

Wes Hilliard inquired as to who decides what is junk.

George Shurtleff emphasized the concern and responsibility for the safety of children. He also noted it is the responsibility of the parents to teach children not to go on someone else's property to play.

Bryce Brasher indicated that we do want to keep the safety of children in mind, but parents do have to take some responsibility for our children.

Lee Lemon inquired as to what the footage requirement is for junk cars from the highway. He is concerned that people can't use their own property the way they want.

Pat Conover inquired as to how many cars constitute a scrap yard.

Bruce Funk indicated the need for the Ordinance to be reworked and coordinated with the Council of Governments and other local governments to see that the County is not more or less restrictive than the towns.

Susan Hilliard inquired as to what is meant by the three-week period within 90 days (on trailer occupancy).

Sherry Grimmett noted that the Ordinance prohibits people from camping during the summer on County property they may own for more than three weeks.

Doug Ehler objected to the section on camp trailers and their use on private property being regulated.

Public Hearing, cont. . . .

Phillip Larsen inquired as to discarded cars that are 30 to 40 years old. He objected to being prohibited from keeping old frames to be restored.

Rickie Larson indicated that because of a divorce, he was forced to live in a camp trailer for 18 months. He would have been hurt by this Ordinance had it been in place.

In an effort to conclude public discussion, it was the recommendation of the commission that they close the public hearing, recommending that other comments be directed to Mr. Anderson and the Commission.

Therefore, motion to close the public hearing on the Nuisance Ordinance was made by Commissioner Bevan Wilson, seconded by Commissioner Randy Johnson and approved by all members present.

(4)

CONSIDERATION FOR APPROVAL OF A RESOLUTION IMPLEMENTING A COMMERCIAL TIPAGE FEE, AMENDING THE PLANNING AND ZONING ORDINANCE TO INCLUDE THE PREMISE OCCUPATION AND THE ADOPTION OF A PUBLIC NUISANCE ORDINANCE

Commissioner Randy Johnson noted that the Commission having received a great deal of information and comments from the public in regards to these three matters and the importance of having Commission Chairman Kent Petersen present for any final decision. He suggested that these matters be tabled.

Whereupon, motion was made by Commissioner Bevan Wilson to table consideration and implementing a Commercial Tipage Fee, Premise Occupation Ordinance and Public Nuisance Ordinance until the Commission has had time to consider the public comment received. Also, that the items be reworked and that they go back out to the public for final review in final form before final consideration. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

CONSIDERATION AND ADOPTION OF RESOLUTION 1-3-96 AUTHORIZING THE ISSUANCE AND SALE OF TAX ANTICIPATION NOTE

Whereupon, Commissioner Randy Johnson asked that Auditor, Ross Huntington review the purpose of the Tax Anticipation Note. Mr. Huntington indicated that through the Utah Association of Counties pooling effort that the County will issue the sale of \$1.5 million in Tax Anticipation Notes. After his review it was his recommendation to the Commission that they proceed.

Motion was made by Commissioner Randy Johnson to approve Resolution 1-3-96 authorizing the participation in the Utah Association of Counties combined cash flow borrowing program by the issuance and sale of \$1.5 million in Tax and Revenue Anticipation Notes and other matters as presented and authorize



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Resolution 1-3-96, cont. . . .

Commission Chairman Kent Petersen to sign the same. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)  
EMERY LIVESTOCK - REQUEST FOR CONTRIBUTION

Don McNulty, the A.D.C. Animal Damage Control Inspector, indicated to the Commission that he was representing Emery Livestock which was formerly called the Emery Woolgrowers. He pointed out to the Commission that normally Gayle Jorgensen of Castle Dale would be making this address to the Commission, but because of health problems, he has been asked to represent their interests and explained the purpose of the program. This would be the aerial control of predators, particularly coyotes. Their request is for funding back to them from the taxation at the local level. In previous years Emery County started contributing \$4,000 which has been decreased to \$1,500 over the past couple of years. He also discussed Emery County Livestock Producers contribution. It was pointed out that the Commission previously requested that such requests be submitted at budget time, which they had not done for the 1996 allocations.

Mark H. Williams noted that he had used the services of Mr. McNulty and appreciated the efforts. He recommended to the Commission the continued County support of the program.

Ross Huntington has also used the services of Mr. McNulty and recommended support.

Whereupon, motion was made by Commissioner Bevan Wilson to give the Carbon-Emery Livestock Aerial Control \$1,500. Motion was seconded by Commissioner Randy Johnson and approved by all members present. They are to bill Emery County for that amount.

(7)  
FIVE MINUTE RECESS

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to take a five minute recess at 12:04 p.m. The Commission reconvened at 12:08 p.m.

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(8)  
SETTING OF PUBLIC HEARING TO CONSIDER SALARY INCREASES FOR COMMISSIONERS,  
SHERIFF AND OTHER ELECTED OFFICIALS

Motion was made by Commissioner Bevan Wilson to set January 17, 1996, at 5:30 p.m. as the time for public hearing to consider salary increases for Commissioners, Sheriff and other Elected Officials. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

Auditor, Ross Huntington will post the public hearing notice.

(9)  
APPOINTMENT OF KEN STILSON TO THE PLANNING COMMISSION

Commissioner Bevan Wilson informed the Commission that in the last Planning and Zoning meeting held January 2, 1996, the Planning Commission accepted the resignation of Louis Stilson. It was their recommendation to replace Mr. Stilson with Ken Stilson. He further asked that the Commission send a letter to Louis Stilson expressing appreciation for his years of service.

Jim Fauver questioned whether those serving on the Planning Commission could be residents of municipalities or restricted to County.

After discussion, motion was made by Commissioner Bevan Wilson to appoint Ken Stilson to fill the vacancy left by the resignation of Louis Stilson, contingent upon determination being made that persons residing within the municipalities can serve on the Planning Commission. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)  
APPROVAL OF EMERY COUNTY TRAVEL BUREAU BY-LAWS

Economic Development Director, Rosann Fillmore presented to the Commission the Emery County Travel Bureau by-laws. These having been reviewed and approved by the Travel Bureau Board. She further recommended approval by the Commission. Deputy Attorney Allen Thorpe has reviewed the by-laws and indicated they are satisfactory.

Whereupon, motion was made by Commissioner Randy Johnson to adopt the by-laws of the Emery County Travel Bureau. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)  
ROAD DEPARTMENT BUSINESS

Road Superintendent, Rex Funk came before the Commission requesting approval to begin the process of looking for two semi-tractors and a crack sealer. The crack sealer would be a new one at an approximate cost of \$20,000. The two semi-tractors would be used ones and estimated cost would be \$37,000 each.

Road Department Business, cont. . . .

Mr. Funk indicated he would have to adjust his budget in other areas to provide sufficient funds for the crack sealer.

Whereupon, motion was made by Commissioner Bevan Wilson to approve Mr. Funk's request to begin looking for and pricing crack sealers and two semi-tractors. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)  
AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #86968 through and including #87081 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
99-95	ArcPress for Unix and Deskjet Color Printer - Data Pro.	1,814.00	Approved

Auditor's business, cont. . . .

01-96	Fixed Asset Management soft- ware, training and support - Data processing	2,300.00	Approved
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(Approved pending Commissioner Petersen's approval.)

The following disposition of fixed asset forms were presented for Commission consideration:

- Fixed asset #001067, one metal table and two metal frames with roller from the Weed & Mosquito Department to be disposed of through the County Auction.
- Fixed asset #004269, 004331, 004270, three Fisher portable digital PH meters, serial #'s 713376, 713378, 713340 from the Weed & Mosquito Department to be disposed of through the County Auction.
- Fixed asset \$005735, Adler typewriter from the Recorder's office to be disposed of through the County Auction.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the warrants for payment, requisitions for purchase and fixed assets for disposition as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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(13)  
UTAH POWER BUILDING - EMERY COUNTY SHOP

Tom Alexander, Utah Power District Manager, introduced to the Commission Mike Whitlock who is over property management for Utah Power. He informed the Commission that they will be moving out of the Castle Dale Service Center and would like the opportunity to meet with the Commission in regards to the Commission's inquiry to purchase the building as a possible County Road Shop. The Commission agreed to meet with Mr. Whitlock and others on Wednesday, January 10 at 10:00 a.m.

(14)  
COMMISSION REPORTS

Commissioner Randy Johnson:

1. He discussed the purchase of a number of computers, particularly for the libraries and that they would like to get moving on that. They would like to include other individuals who have an interest in purchasing computer equipment and to get their requests in immediately. They would also like to set up a committee headed by

Commission Chairman Kent Petersen and Alice Ann Snyder and to include other elected officials and others interested in the purchase. They want to develop specifications and solicit bids as soon as possible.

Commissioner Bevan Wilson:

1. He indicated he has been approached by individuals regarding the speed limits. The federal government has lifted the speed limits in the States. One of those road which could be considered would be Highway 10. The UDOT office would investigate the traffic flow and would establish what the normal driving speed is. He also pointed out the traffic flow between Huntington and Price in the morning and evenings is approximately 65 miles per hour. After that determination has been made, the State Legislature would have to be approached. It would require a letter from the Commission in order to speed up the process.

It was decided that this would be discussed in the upcoming UDOT meeting.

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(15)  
COMMISSION MEETING MINUTES

Motion was made by Commissioner Bevan Wilson to hold the minutes of the December 15, 1995, until the January 17, 1996, Commission meeting in order to allow sufficient time for review. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(16)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Road Department-Landfill - Jim Williams, Attendant, reappointment for up to nine months, effective 1-2-96 at the rate of \$8.00 per hour. Michael Miller, Attendant, reappointment for up to 90 days, effective 1-2-96 at the rate of \$8.00 per hour.

B) Road Department-Clerk - Joyce Staley, reappointment to a nine-month temporary assignment, effective 1-2-96 at the rate of \$6.12 per hour.

C) Road Department-Mechanic - Travis Winn, reappointment for up to nine month temporary assignment at the rate of \$8.32 per hour effective 1-2-96.

D) Road Department-Operator I - Darl Taylor has submitted his resignation effective 1-5-96. Request approval to recruit for a regular career service position at \$8.32 per hour.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the personnel requests in the Road Department as presented. Motion was approved by all members present.

E) County-Wide Maintenance - Request approval to reappoint Lance Farmer to an up to 90-day temporary assignment at the rate of \$11 per hour effective 1-2-96. Request approval to recruit for an up to 9 month temporary. When filled, the up-to-90 day temporary position would be deleted with this position replacing it. The wage would be negotiable based on skills and abilities.

After discussion, motion was made by Commissioner Bevan Wilson to approve the County-Wide Maintenance with the agreement that the Commission would negotiate the tool and other allowances and that upon the hiring of the up-to-nine months, that the temporary assignment to Lance Farmer would be terminated. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

F) Merit Increases - Auditor: It is recommended that Shellee Allred receive a one-step merit increase on her anniversary date which is January 1. Clerk: It is recommended that Julie Winn and Wendi Downard each receive a merit

Personnel Items, cont. . . .

increase. Extension: It is recommended that Linda Nelson receive a one-step merit increase retroactive to her anniversary date which is December 3.

After discussion, it was the consensus of the Commission that they would like to meet with other elected officials and department heads prior to the Commission meeting on January 17 before taking any action. Commissioner Randy Johnson expressed support to department heads in running their departments and making recommendations as they are the ones who best know their staff.

Clerk, Bruce Funk responded in regards to his two employees which he recommended for merit increases last fall. That request has not received any action. It followed on the heels of another one which the Commission had approved from another department.

Therefore, the Commission took no action on merit increases at this time. They set a meeting with the department heads for 2:00 on January 17 to further discuss this matter.

G) Drug and Alcohol Testing Program - Consideration and approval is requested in selecting DFW Compliance Services to perform random testing, pre-employment testing, post-accident testing, reasonable suspicion testing and other services in conjunction with the need to comply with the requirements of the U.S. Department of Transportation. Base cost is approximately \$2,000 per year.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve DFW Compliance Services to perform random testing as presented. Motion was approved by all members present.

H) Employee Assistance Program - Consideration and approval is requested in selecting the EAP administered by Corporate Benefit Services. The EAP is a completely confidential service offered to employees as they require assistance with problems in their private lives. It is found that employees do not leave their personal problems at the door as they enter the workplace; therefore, it is essential to help mitigate those problems. This program, it is reported, can assist with absenteeism, depression, stress, etc., resulting in a healthier more productive work force. The cost is \$2.50 per employee per month and has been budgeted this year for that program.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the program for a one-year period. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

I) RSVP - Gwenith Parriot, RSVP Coordinator in Grand County has submitted her resignation effective 12-31-95. Request approval to recruit for a regular part-time less than 20 hours per week position. This would be at a Grade 4, Step A or \$7.35 per hour with no benefits.

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Personnel Items, cont. . . .

After further discussion, motion was made by Commissioner Randy Johnson to table this item to discuss why Emery County is funding an employee in Grand County. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

MEETING ADJOURNMENT

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to adjourn the meeting at 2:05 p.m. Motion was 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

January 17, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 4:00 p.m.

(1)

PERSONNEL ITEMS

Personnel Director, Pat Snowball informed the Commission that from the Commission meeting of January 3, 1996, three personnel actions had been postponed. There was one from the Auditor's office, one from the Clerk's office and the other from the Extension office. A discussion followed in regards to the three requests, recognizing that they are very distinct and different situations. The Auditor's office request following under the proposed current policy. The Clerk's office request was presented under an old policy at which time no action was taken. The Extension office request was one that came before the Commission, but was retroactive into December of 1995.

Commissioner Bevan Wilson, in addition to those points covered in the January 3 Commission meeting noted that he found Commission minutes back in 1992 in regards to the need to establish a policy in regards to merit increases.

Whereupon, after further discussion, motion was made by Commissioner Randy Johnson to adopt a merit and step policy by resolution to be created by the Attorney's office and to be adopted into the Personnel Policy. This increase applies to career service employees and merit increases are considered only on an employee's anniversary date, effective in 1996. Further, that the Commission stick to this policy from this point forward. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

In regards to Shellee Allred of the Auditor's office, it being noted that it does fall under the new adopted merit procedure and the Auditor's office has done the necessary evaluations and recommendations. Motion was made by Commissioner Bevan Wilson to approve the one-step merit increase for Shellee Allred as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

In regards to Julie Winn and Wendi Downard of the Clerk's office and Lynda Nelson of the Extension office, motion was made by Commissioner Randy Johnson that the Commission defer any action until their anniversary date 1996. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.



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(2)

SHERIFF'S OFFICE - U.S. DEPARTMENT OF JUSTICE - COPSFAST GRANT

Sheriff, Lamar Guymon inquired of the Commission if they had approved the grant application to hire two additional deputies under the COPSFAST grant as provided by the U. S. Department of Justice and whether he could proceed.

Commissioner Randy Johnson indicated that the Commission had signed the necessary paper work. Therefore, it was his motion to authorize Sheriff, Lamar Guymon to proceed with the next step in the process, recognizing that a roster had been completed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #87434 through and including #87584 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
2	Two typewriters - Sheriff	1,190.00	Approved
3	One 1992 Peterbilt 379 tractor and one 1991 Peterbilt 377 Tractor - Class B Road	68,500.00	Approved
5	Two laptop computers for Commissioners, four 8 mg Ram upgrade, two Xircon Ethernet card - Data Pro.	6,968.00	Approved

The following fixed asset disposition forms were presented for Commission consideration:

- Olympus Typewriter, fixed asset #002741, from the Nursing Home to be junked.
- 1986 White Tractor, fixed asset #05107, vin #1WUCLCJE5GN113724, from the Road Department, to be traded in on a 1992 Peterbilt tractor.
- 1986 White Tractor, fixed asset #04108, vin #1WUCLCJE1GN113702, from the Road Department, to be traded in on a 1991 Peterbilt tractor.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment, requisitions for purchase and dispositions for disposal. Motion was approved by all members present.

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Auditor's business, cont. . . .

Motion was further made by Commissioner Bevan Wilson to direct Sheriff, Lamar Guymon and County Attorney, David Blackwell to set a date for the disposal of surplus property in that Emery County is accumulating a significant number of items. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

FOREST SERVICE QUARTERLY UPDATE

Charles Jankiewicz, from the Forest Service, came before the Commission to give them a quarterly update. He mentioned the public land council meeting which is held on the second Tuesday of each month. He reviewed the proposed work at the Stuart Guard Station and the funds received from UDOT that will become an interpretive visitor's center. He again reviewed the time schedule. It will be dedicated on Labor Day 1996. Although it may not be completed in its entirety until 1997. He reviewed the timber program on the Manti-Lasal. He noted that they are providing for several sales of smaller quantities which would hopefully go to local interested parties. He also described the joint management of the Ferron and Price ranger districts. He noted that after his tenure of service, the replacement district forester would then be located in the Ferron office. He indicated that the Forest Supervisor has made a commitment to that and they wanted it a matter of record. He also discussed the national environmental policy act and its impact on grazing permits. They would be looking at five lakes in which they would improve the parking area and toilet facilities and will be making these improvements based on public comment and in conjunction with their evaluation.

He inquired if there were any questions from the public. There being none, the commission expressed appreciation to Mr. Jankiewicz for being in attendance at this time.

(5)

BLM QUARTERLY UPDATE

Penny Dunn, of the Bureau of Land Management, came before the Commission expressing appreciation to the Road Department for the road improvements on the Rochester Muddy Panel.

Commissioner Bevan Wilson inquired as to the signs. Mrs. Dunn indicated that they are on order. She discussed that continued minimal visitor services provided would continue after January 26 should a Federal furlough be enacted. The Buckhorn panel is in its final stages. Final signs are expected within the next six weeks.

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BLM Update, cont. . . .

The Commission indicated they would like to meet further in regards to the Goblin Valley Road. They set up a meeting for Wednesday. The BLM has a new manager. His name is Bill Stringer and he will be moving to Price on March 18. Carbon and Emery will be combined into one BLM District effective October 1996.

(6)

NEW EMERY COUNTY PROGRESS EDITOR

Scott Neindorf introduced himself to the commission. He indicated his publisher Kevin Ashby could not be in attendance at this time. He outlined his background. He indicated he will be a full-time editor. As such, this should be a benefit to the citizens of Emery County. He hopes to cover main events, be accurate and fair, include more news and photos and coverage of people. There will be extra columns. He wants to make sure the news does get covered and get the community informed and involved.

Commissioner Randy Johnson expressed deep concern in regards to the recent article and whether Mr. Neindorf's approach was fair and equitable and that in his article he had failed to contact the Commission. He did not feel it was appropriate. He quoted minutes not yet approved from the December 15, 1996, Commission meeting. He did not feel it was accurate and was offended by the article.

Mr. Neindorf apologized, indicating that he made efforts to substantiate the information. He will accept criticism.

In conclusion, the Commission welcomed Mr. Neindorf to the meeting and look forward to working with him. It was the consensus of the Commission at the request of Commissioner Wilson that the Commission send a letter to the previous editor Larry Davis, thanking him for the many years of service and support.

Also at this time, an inquiry was made by Sr. Administrative Assistant, Leslie Bolinder as to the Commission's intent to advertise in the Special Energy Edition of the Progress. That ad in the past had been place before them. It was a 2 X 6-1/2 at a cost of \$117. Questions were asked as to which budget costs would be taken out of.

Auditor, Ross Huntington indicated that for the present they would have to be taken out of dues and contributions.

Other upcoming ads would be in the Special Tourism and Fair Editions.

Whereupon, motion was made by Commissioner Randy Johnson to support and approve the ad in the Special Energy Edition which cost is to be taken from

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Progress Editor, cont. . . .

Dues and Contributions. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. It was also recommended that the ads be reviewed with Economic Development Director, Rosann Fillmore.

(7)

TAX ADJUSTMENT - STEVE RAPICH

Steve Rapich of Green River informed the Commission that he has a subdivision in Green River in which the taxes amount to \$283. Because of personal matters, he was unable to meet the closing date for payment of taxes. Therefore, a total of \$700 has been assessed as penalties and interest. He asked the commission to consider some type of adjustment in that there are 42 properties. There has been a \$10 or 25% assessment to each of those properties. Those properties have a value of anywhere from .92 cents to \$9.06. Therefore, his request of the commission because the number of properties and the penalties assessed to each property were excessive, that they consider making an adjustment.

However, it was the consensus of the commission and discussion with those present that they would like further time to evaluate this before making a decision in that it is somewhat of a unique situation. They would like to meet with the Treasurer and Assessor to evaluate this further.

Whereupon, motion was made by Commissioner Randy Johnson to defer any action on this matter at this time. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

PUBLIC HEARING - SALARY INCREASES FOR COMMISSIONERS, SHERIFF AND ELECTED OFFICIALS

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to recess the regular Commission meeting and move to the Public Hearing at 5:30 p.m. Motion was approved by all members present.

Commission Chairman Kent Petersen opened the meeting for a Public Hearing at 5:30 p.m. for comment on salary increases for Commissioners, Sheriff and Elected officials. He then turned the time over to County Attorney, David Blackwell. Mr. Blackwell explained the budget process and how the notices were handled. He also referenced case law study. The Commission had requested him to investigate and make sure the proper procedure had been followed. Therefore, he had submitted by memorandum to the Commission that they needed to go through a public hearing process. He emphasized that there was no evil intent of the Commission to give the increase without proper hearing and that is the purpose of this meeting.

Public Hearing, cont. . . .

The time was then turned over to Auditor, Ross Huntington who again outlined more about the budget process. The budget work sessions were properly noticed to the public. A 3% had been included in the tentative budget. It was the intent of the Commission to wait until the end of the budget process to see how much money was available before any decision was made in regards to salary increases. He too emphasized that there was no evil intent on the part of the Commission to give themselves or others increases without public awareness.

Commission Chairman Kent Petersen indicated the money is budgeted for the salary increases, but has not been approved at this time.

Sr. Administrative Assistant, Leslie Bolinder read a fax received from Karen Truman. Mrs. Truman indicated she has worked with the Commissioners and has witnessed the amount of time they put in. She indicated there are now many time demanding problems and issues such as wilderness, etc. She feels the Commissioner's responsibilities have grown and they deserve the increase. Her recommendation was that the salary be commensurate with the position and that their responsibilities grow each year. There are many issues, such as land issues, regulations and responsibilities, that require a great deal of time and effort on the part of the Commissioners. She felt that the Commissioners were not paid enough to compensate them for the hours they put into the job. Therefore, she supports their request for a salary increase.

Susan Hilliard - She indicated she was not aware of the budget meeting on December 15, 1995. The Notice page in the newspaper is confusing and notices are easily overlooked. She inquired as to who the Commissioners boss is. Commission Chairman Kent Petersen indicated in answer that it is the people of Emery County. Ms. Hilliard further inquired as to why the Commissioners need a 69% increase, especially compared to the 2% increase the Sheriff's office is receiving.

Commissioner Petersen clarified, pointing out that the Sheriff's department increase after the merit increase would be 9%. The Commission work has greatly increased. The issue is whether they should be paid the same as other elected officials

Scott Barney - He indicated he is not concerned about the raise for employees. But, he would like to know why the Commissioner's think they deserve a raise.

Eric Anderson - He indicated from statistics, Emery County is the second largest employer in the County.

Bob Voorhees - He indicated he appreciates the Commissioners. He said he received the highest increase possible at his employment which was 3%. He would like the Commissioners to justify the raise.

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Thayne Cox - He would like to know if the Commissioners are going to make their jobs full time. He indicated if they are made full-time, it limits the people who are able to do the job. He said it is not fair to increase pay to match other full-time officials for part-time Commissioners. Commissioners should not be a career and this is a service position.

Dennis Nelson - He indicated he trusts the Commissioners to provide a service. He has no disagreement with their integrity. All the Commissioners were aware what the responsibilities were when they ran for office. He recommended they put the increase on hold until the public can agree. The public feeling is that the raise is too much and the working class has taken a beating.

Dixie Thompson - She empathizes with the Commissioners. However, the problem is declining revenue. The State Tax Commission is hurting the County by lowering valuations for state-assessed properties. This is not the time for this increase. She indicated Uintah County has a full-time Commission and the people don't like it. They feel the job should be out of dedication and love for the County.

Rick Larsen - He said "no".

Bruce Funk - He indicated he has respect for the Commissioners and he tries to support them. The Commission may be doing too much and not letting the elected officials and department heads do their jobs. There is no such thing as full or part time elected officials

Rex Funk - He indicated what the Commission is proposing is rational. There have been issues that have been extremely demanding. The Commission is in the process of evaluating policy. He indicated what the Commission is asking is that their status be changed from part-time to full-time. He indicated the Commission goes through a lot to do their jobs. He strongly supported.

Corey Powell - He said "amen" to Dixie Thompson's comments. He would like to see the Commission meetings held later so working people can attend. He felt the Commission should try to protect our way of life. He represents Cleveland. Their opinion is that this is not the time for this raise. He questioned if the Commissions labors are worthy of this increase.

Warne Linton - He thanked the Commission for their service to the public. He indicated it will be political suicide to approve this increase.

Mark Justice - He indicated the public does not attend meetings because they trust their leaders. In regards to part-time vs. full-time, he indicated you can't force an elected official to work full time. He indicated an elected official does his job in the best way he feels he can. Dixie Thompson was the most active Commissioner and if she says it is bad timing, he agrees. In 1994, the Emery County Commission salary was high for a County of this size. People must be willing to pay for competent people. The Commission position should remain a service position. He feels the increase is not appropriate.

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He informed the Commission that the public is not with them. He recommended an independent committee study the Commission salary of all Counties.

Tracy Jeffs - He commented that if you buy the best, you're going to have to pay the price. He said he has seen the Commission put in a lot of time. We can't expect the Commission to put in that many hours for nothing. He felt the Commission was deserving of the increase.

Val Payne - He said he has confidence in the Commission. They are available at any time they are needed. He would like better information presented to the public. He indicated that Commission needs to promote themselves to the public. Emery County has responded to the wilderness issue with professionalism and set an example for others to follow. He gave support for the Commissioners increase because of their efforts and work they do for Emery County.

Kent Wilson - We need to compare our officials to others in the State. He has never seen a corporation where the bosses make less than the peons. The Commission puts in long hours and makes sacrifices. If we want good people, we should pay them.

Dorothy Taylor - She indicated she is the head librarian at the Ferron Library. She had to prove to the Commission and document her hours in order to get her job changed to full time. The Commissioners should tell the public why they deserve this raise. She was happy to get a 2% salary increase, but feels it is not enough. She puts in extra time on her job and is willing to do so and has not asked for compensation of that extra time. Her job is a service job. She urged the Commission to take a look at other employees in the County.

James Sherman - He would like to see the increase take place at election time. He has no objection to the Commission going full-time.

Susan Hilliard - She objects to the Sheriff's office not getting a better pay raise when they risk their lives to protect the public.

Commissioner Bevan Wilson indicated when he campaigned, he told the County employees would receive a fair and just evaluation prior to any step increase. Earlier in this Commission meeting, the County implemented a policy that on the anniversary date (date of hire), employees will receive a step increase and be eligible for consideration of an additional merit increase based upon an evaluation and recommendation by the Department Head.

Ken Thompson - He indicated the Commissioners are on call 24 hours a day.

Julie Winn - She indicated Commission action on this subject was later on the agenda, but would like to know what their decision was going to be now.

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Commissioner Randy Johnson expressed appreciation to the public for their input. He indicated he ran on his office being open and him being accessible. He does receive many calls, but he has not had one negative call on this issue. In fact, a number have expressed positive support. He discussed what type of activities he is involved with on behalf of the County. He attends CIB, obtains grants, works on the Public Lands Council, trips to Salt Lake.

He spends much more than what would be considered full time. His shortest week last year was 39 hours. He came in knowing it was full time and would continue regardless. The only issue here is that the Commission salary should be the same as other elected officials. If there are those who think this will effect his electability in the future, then so be it.

Commissioner Bevan Wilson indicated that being a Commissioner involves a great deal of time. He recapped time spent here and on behalf of the County. He reviewed the Boards he serves on with the UAC, particularly with those on the multi-county appraisal where they work on litigation and appeals on state-assessed properties. He noted that \$11,000,000 of taxable revenue is under appeal and that those efforts have to be fought through the Courts and the Tax Commission. This were not favorable for the County. The Tax Commission could adjudicate that Emery County pay back from their surpluses approximately \$5,000,000. These issues the public is typically not aware of. The Commission is working on these issues and they are of great importance to the people of Emery County during these times of declining revenue. They have also created a public lands council which is an advisory agent to the Commission to address a lot of the issues such as water rights, coal mines, impact on water and the effect in the future. Through the involvement of the new full-time Emery County Progress Editor, it is there hope that the public will be better informed.

Commission Chairman Kent Petersen continued in the difficulty in getting the issues out to the public. The increase for the Commission of 69% is accurate. 2% increase has been provided to the County employees as a cost of living adjustment as well as a step increase on their anniversary date. The Sheriff's department is another consideration. They received an adjustment of 7-1/2% with an additional 2% step increase on their anniversary date. The other elected officials are scheduled for a 3% cost of living. The people deserve Commissioners who will do the job. There have been instances of Commissioners in the past who have only shown up for Commission meeting. The only issue before the public at this time is whether Commissioners should be paid the same as other elected officials. He expressed appreciation for Commissioners who are willing to put in the time and go the extra mile. There are a lot of issues out there. He appreciated the public hearing. There is no good time to raise salaries, but people need to look at adequate compensation.

There being no further discussion, Commissioner Bevan Wilson made a motion to close the public hearing at 7:02 p.m. Motion was seconded by Commissioner Randy Johnson and approved by all members present.



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(9)

CONSIDERATION AND APPROVAL OF SALARY INCREASES FOR EMERY COUNTY COMMISSIONERS,  
SHERIFF AND OTHER ELECTED OFFICIALS

A public hearing having been held, Commission Chairman Kent Petersen discussed the 3% increase for the elected officials. He suggested that the Commission go ahead with the 3% for elected officials and that the Commission pursue having a salary survey done. That a committee of citizens look into the pay for the Commission and elected officials.

Commissioner Randy Johnson felt that an in-depth study be made by an outside party. His preference was that the raise for elected officials be held until completion of this process.

Commissioner Wilson inquired as to the survey length of time. It was felt that maybe this could take up to two months.

Commissioner Randy Johnson indicated that some counties have moved the Commissioner's salaries to the same as other elected officials. We should evaluate the elected officials and make a State-wide comparison of Counties.

After further discussion, motion was made by Commissioner Bevan Wilson to approve the 3% increase for all elected officials, retroactive to January 1 and that they hold or table any further action on the others until a further study is completed. The Commission should consider the public input received today. Motion was seconded by Commission Chairman Kent Petersen. Those voting in favor of it were Commissioners Bevan Wilson and Kent Petersen. Commissioner Randy Johnson voting nay.

Commission Chairman Kent Petersen recommended that the Commission look into instigating a salary survey of Commissioner, Elected Officials and possibly consideration of other employees.

(10)

BREAK

It was the consensus of the Commission to take a break at 7:30 p.m. The Commission reconvened at 7:40 p.m.

(11)

REFRESHMENT CENTER

Richard Gockley requested permission of the Commission to install in the courthouse a snack, chip and soft drink vending machine. His recommendation was to install that in the downstairs foyer. Discussed was that the County had other vendors in the past and if the County would see a percentage of the revenues.

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However, after further discussion, the Commission indicated they would like to seek further input of the employees and evaluate it and determine what impact it would have in the future and would address this in the next Commission meeting.

(12)

CASTLE VALLEY SPECIAL SERVICE DISTRICT TAX ANTICIPATION NOTE - RESOLUTION 1-17-96A

Castle Valley Special Service District Administrator, Darrel Leamaster came before the Commission in regards to their selling a tax anticipation note. This one for \$800,000. This would be for cash flow purposes in that they do not collect their taxes until near the end of the year. Their bid amount for those funds is 6%. They are taxable due to the fact they are used to make payments on the debt service. This according to bond counsel. They will not affect the County tax anticipation notes or other bond issues.

Mr. Leamaster at this time read in its entirety Resolution 1-17-96A. The bonds would be issued on February 1 and payable on December 31, 1996. He further inquired if there were further discussion. There being none, the Commission pointed out that the Castle Valley Special Service District has been very successful in doubling the work done with tax payer dollars through the Community Impact Board. Mr. Leamaster expressed appreciation to the Commission and their efforts and the importance of them being at the CIB board meetings when the Castle Valley Special Service District makes application.

Whereupon, motion was made by Commissioner Randy Johnson to approve Resolution 1-17-96A, authorizing the sale of \$800,000 in Tax Anticipation Notes by the Castle Valley Special Service District as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

CITIZEN CONCERNS

Bob Voorhees inquired of the Commission the status of an athletic center that was considered by the Recreation District. Commission Chairman Kent Petersen indicated that issue was basically dead. Castle Dale is looking into a center that would consist of a gym, a little theater, racquetball and a senior citizens center. It was suggested by Mr. Petersen that Mr. Voorhees contact Dan Whiteleather, Castle Dale City Council Member, in regards to the center. Also discussed was that the Recreation District would have a meeting on January 22 at 7:00 p.m. in the Conference Room. However, they pointed out that Mr. Drew Leroy, of Food Ranch in Orangeville, is possibly building a racquetball court.

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(14)  
REPRESENTATIVE BILL ORTON OFFICE VISIT

The Commission indicated that Mr. John Smith, a representative of Mr. Orton's office, stopped in and visited with elected officials and others today and stayed for part of the Commission meeting.

(15)  
ATTORNEY'S BUSINESS - EMPLOYMENT CONTRACTS

County Attorney, David Blackwell presented the following contracts for Commission consideration:

A) Mary L. Manley - Working 40 hours per week to be paid \$45,000 per year beginning January 1, 1996, and continuing until terminated. Ms. Manley will also receive a 2% salary increase on her hire date for the year 1996. Hereafter, her salary shall be augmented without the necessity of amending this contract whenever such raises or other benefit increases are officially approved by the County Commission. She will also receive retirement and health benefits awarded to career service employees of the County. The County shall also pay Bar dues required for Ms. Manley to maintain her license to practice law in Utah.

B) Allen S. Thorpe - Working 30 hours per week to be paid \$30,000 per year beginning January 1, 1996, and continuing until terminated. Mr. Thorpe's salary shall be augmented without the necessity of amending this contract whenever such raises or other benefit increases are officially approved by the County Commission. He will also receive retirement and health benefits awarded to career service employees of the County. The County shall also pay Bar dues required for Ms. Manley to maintain her license to practice law in Utah.

C) Teresa Manzanares - Working 32 hours per week to be paid \$33,342.17 beginning January 1, 1996, and continuing until terminated. Ms. Manzanares's salary shall be augmented without the necessity of amending this contract whenever such raises or other benefit increase are officially approved by the County Commission. She shall also receive retirement and health benefits awarded to career service employees of the County.

Mr. Blackwell informed the Commission that the raises were approved in the budget. He has added a clause to each of the contracts that the salary for each of them shall be augmented without the necessity of amending this contract whenever such raises or other benefit increases are officially approved by the County Commission.

Motion was made by Commissioner Randy Johnson to approve the contracts as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(16)

ROAD DEPARTMENT BUSINESS

Road Superintendent, Rex Funk presented the following items:

A) Spire Point Site free use permit - This to be a gravel pit. It includes the construction of a sedimentation basin which would be created as part of the excavation process and it is a part of the permit by the BLM.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve and sign the free use permit as presented. Motion was approved by all members present.

B) Huntington North Loop construction and maintenance easement - He noted that Emery County Special Service District No. 1 is asking that the Road Department obtain necessary permits for work on the Huntington North Loop school bus project. These right of ways would be for the County. This one would designate a portion of County property to Cleveland Irrigation Company. It was Mr. Funk's recommendation that the Commission sign and this document be held until the meeting with the Emery County Special Service District No. 1 Board.

Commissioner Wilson indicated there will be other property exchanges associated with this project.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the deeding of the described property contained in the Huntington North Loop property deed to the Cleveland Irrigation Company as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)

ROSANN FILLMORE - ECONOMIC DEVELOPMENT BOARD APPOINTMENTS

Economic Development Director, Rosann Fillmore came before the Commission, noting that she would like to present names for consideration and appointment to the Economic Development Board. The difficulty is finding people with a variety of backgrounds as well as a geographic spread. She presented the names of Delynn Fielding who has experience in banking and would be helpful in working in the revolving fund; Blaine Evans in education from Green River; Bruce McMillan; LaRay Leamaster in health from Huntington; Debbie Dull from Lawrence; John Healey in Forest Service from Ferron. Those remaining would be Carol Ware in beautification and Dennis Worwood over agribusiness. Commissioner Petersen also serves on that Board. The current Chamber of Commerce President, Dave Lucchesi will also serve. Discussed were the terms of each of the officers.

After discussion, motion was made by Commissioner Randy Johnson to accept the recommendations for Board members as presented and that the terms of office be set in their first meeting by that Board and that it be brought back to the

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Commission. Also, that a letter go out from the Commission to the prior Board members expressing appreciation for their service. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

COMMISSION MINUTES

Commissioner Randy Johnson together with Commissioner Bevan Wilson indicated in reviewing the minutes of December 15, 1995, and January 3, 1996, there appeared to be some possible omissions. They would like to evaluate the tapes of those meetings. Therefore, motion was made by Commissioner Randy Johnson to set a special meeting of the Commission on Tuesday, January 23, 1996, at 1:00 p.m. in the conference room of the Commission office for the purpose of reviewing those minutes and the tapes. The Clerk is to post the necessary notices. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

COMMISSION REPORTS

Commissioner Randy Johnson:

- A) Commissioner Randy Johnson reported on the Health Board Meeting. They are ready to renovate the building in Castle Dale. They will probably be back before the Commission for more monies. They have money set aside, but it did not include a furnace and carpet which could run as high as \$17,000.

Auditor, Ross Huntington in responding to monies available indicated that there are monies in a special account received from rental of space within that building.

- B) Commissioner Johnson indicated in regards to the carpet in the Huntington Library, they have settled with the carpet company. There were mitigating circumstances. They have the monies to accomplish replacement of that carpet. He also indicated his appointment to the Utah Rural Counties Public Lands Council. Wherein, this Council represents rural Utah counties on public land issues. They also work with Bob Weidner in Washington on issues effecting rural counties. He will be in Washington during the first part of March.

Commissioner Bevan Wilson:

- A) Commissioner Bevan Wilson briefly discussed the request from Olene Walker during a conference call. Wherein, they would like Commission support of welfare reorganization in an effort to improve the welfare system as recently discussed by the governor in his report on the State in hopes that the State will be on line for federal block grants for the same. He noted there are some 34 public assisted programs.

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- B) Commissioner Wilson also discussed the public lands council. They met yesterday and discussed the impact from coal on water rights, both culinary and irrigation. The Forest Service presented that discussion. The BLM has provided \$120,000 to consolidate the information on water rights and other issues at the request of Emery County residents. The Forest Service has hired a hydrologist to help deal with the impact of coal on water rights. They have received a \$35,000 block grant to do a survey on tourism, the effects in Emery County. Bear West is back working with the County to finish and complete the master plan.

Commission Chairman Kent Petersen:

- A) Commission Chairman Kent Petersen discussed meetings he had with Ted Stewart and others on leasing the Colorado water. He indicated it is not that far along.

(20)

INDIGENT BURIAL

Clerk, Bruce C. Funk presented to the Commission an indigent burial assistance request for Douglas Light through Fausett Mortuary. The body will be cremated. There were only a few items of any personal value. Mr. Funk requested that if the items are turned over to the County, that he be authorized to turn them over to the parties who have been responsible for the caring of Mr. Light.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to support and approve the efforts of the Clerk in taking care of this matter. Motion as approved by all members present.

(21)

HOUSE BILL 0055

Commission Chairman Kent Petersen discussed House Bill 0055 sponsored by Brad Johnson which changes the law as to annexation of portions of cities into counties. This having been done at the request of Green River residents, he discussed the procedure. (This having been discussed in previous Commission meeting minutes.)

(22)

COMMISSION ASSIGNMENTS

Commission Chairman Kent Petersen discussed the possibility of keeping the Commission assignments the same as for the year 1995. Whereupon, motion was made by Commissioner Bevan Wilson to keep the Commission assignments for the year 1996 the same as the previous year. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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(23)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 8:58 p.m. was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST



CHAIRMAN



MINUTES OF THE SPECIAL MEETING

OF THE BOARD OF EMERY COUNTY COMMISSIONERS

FOR THE PURPOSE OF REVIEWING AND CONSIDERING THE MINUTES OF  
THE DECEMBER 15, 1995, AND JANUARY 3, 1996, COMMISSION MEETING  
HELD IN THE EMERY COUNTY COURTHOUSE

January 23, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; Planning and Zoning Director, Bryant Anderson; Auditor, Ross Huntington; Commission Secretary, Leslie Bolinder; Wes Curtis; Deputy County Attorney, Allen Thorpe; Assessor, James Fauver; Clerk, Bruce Funk; Deputy Clerks Julie Winn, Wendi Downard and Marcee Wright; and Progress Editor, Scott Neindorf.

The meeting was called to order by Commission Chairman Kent Petersen at 1:10 p.m.

(1)

DECEMBER 15, 1995, COMMISSION MEETING MINUTES

The Commission reviewed the December 15, 1995, Commission minutes. After much discussion, it was the consensus of the Commission that the Clerk make the requested corrections and then bring these minutes back for further review at their next regular Commission meeting of February 7, 1996.

(2)

JANUARY 3, 1996, COMMISSION MEETING MINUTES

The Commission reviewed the January 3, 1996, Commission minutes. After discussion and review of portions of those minutes, it was the consensus of the Commission that after the Clerk has made the requested corrections, these minutes be brought back for further review at their next meeting of February 7, 1996.

(3)

TRAINING ON OPEN MEETINGS LAW

Clerk, Bruce C. Funk informed the Commission that he would like to do some type of training for the various County Boards on the Open Meetings Law. He indicated the County has a number of Boards who are not complying with this law in regards to proper noticing. He indicated the public needs to be made aware of the meetings taking place in the County.

Commission Chairman Kent Petersen indicated that issue is not as cut and dried as it appears to be.



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Commissioner Randy Johnson indicated he has no problem educating those agencies. He has also spoken with County Attorney, David Blackwell regarding this issue of open meetings and as far as the Commission is concerned, they are in compliance. He further indicated as far as the Commission is concerned, they take guidance from the County Attorney.

Deputy Attorney, Allen Thorpe requested that the various Boards post a schedule of their annual meetings and their agendas.

County Attorney, David Blackwell discussed when a board has to publish a meeting. He informed those present that if no decisions are made and no public money is spent, it does not constitute a public meeting and does not have to be noticed up.

Deputy Attorney, Allen Thorpe expressed concern if all discussion and decisions take place in the open meetings, he implied he was comfortable in the Commission discussing matters as long as the action takes place in a regular meeting.

After further discussion, it was the consensus of the Commission that if open meeting training for Boards in the County be done by the Clerk, if they so desired, that it include the interested persons from the cities as well. Also discussed was how and where Boards might post their meeting agendas in the courthouse bulletin boards.

(4)

UPCOMING ELECTION

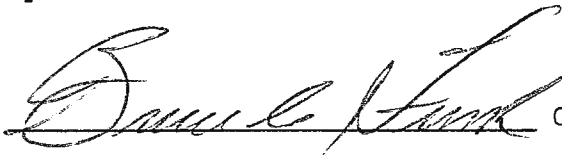
Clerk, Bruce C. Funk indicated that the Primary Election is upcoming in June. He inquired of Commissioner Petersen if Lee Rasmussen was going to have the election result program ready by that election. Commissioner Petersen indicated he would get with Lee on that issue.

(5)

MEETING ADJOURNMENT

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to adjourn the meeting at 3:30 p.m. Motion was 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

February 7, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; Deputy County Attorney, Allen Thorpe; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

(1)

DIVISION OF WILDLIFE RESOURCES - QUARTERLY UPDATE - PAYMENT IN LIEU OF TAXES

Miles Moretti, of the DWR, came before the Commission, giving them the quarterly update for the Division of Wildlife Resources. He presented to the Commission a check in the amount of \$2,751.31 as their payment in lieu of taxes for properties in which they own. They pay the County at the rate of .50 cents per acre. He indicated the increase over previous years is due to the property obtained through John Nielson and the Utah Power and Light exchange.

As to the Desert Big Horn Sheep in the North and South regions of the San Rafael, they will issue 16 permits for hunting. An additional 23 will be transferred to the Glen Canyon area in locations known as the Little Rockies and the North Wash. They have finalized negotiations with the Jorgensen Brothers and Wade Jensen on changing their sheep allotment to cattle allotments on the South region on the San Rafael. They have completed an elk count on the Manti. It is approximately the same number as two years ago. They will be studying the deprivation and range concerns. He discussed the fencing of the haystacks in the Emery and Moore areas for elk. He noted there is an increase in the number of large bulls. They are also watching the bear and cougar deprivation and damages caused by them and State funds to reimburse for those damages. In regards to the elk which fell through the ice at Joe's Valley and died, the Commission has received a number of calls. They requested that DWR proceed to remove the elk from the reservoir as soon as possible. Also, Mr. Moretti indicated the moose relocation in the Joe's Valley area, approximately 20 head, were transported from the North Uintah's.

(2)

FERRON SENIOR CENTER BUILDING MODIFICATION AND RE-LEASE AGREEMENT

Maughan Guymon presented to the Commission for their consideration the Ferron Senior Center building modification and re-lease agreement. He discussed the need for the agreement. Wherein, it would allow for the installation of a gas furnace to replace the existing coal furnace in that center. The American Legion has signed the agreement and it is presented to the Commission for their approval.

Ferron Senior Center, cont. . . .

Whereupon, motion was made by Commissioner Bevan Wilson to approve the lease agreement and authorize and approve the installation of a gas furnace as outlined therein. Motion was seconded by Commissioner Randy Johnson and approved by all members present. (The agreement was returned to Mr. Guymon.)

(3)

EMERY RODEO CLUB - REQUEST FOR DONATION

The Commission reviewed a letter from the Emery Rodeo Club wherein they have requested Commission consideration in participating in awards or advertising, therein outlining the costs.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the expenditure of \$50 to the Emery Rodeo Club to be used as they best see fit whether for awards or advertising. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

STEVE RAPICH - PROPERTY TAX ADJUSTMENT

Steve Rapich having come before the Commission in the January 17 Commission meeting, at that time he requested an adjustment on the penalties and interest assessed to his property taxes. The penalties and interest being considerably more than the taxes themselves. The Commission noted that they were sympathetic to the situation, however, recognized as indicated by Mr. Rapich, that he was at fault for accruing those costs.

However, it was the consensus of the Commission and motion of Commissioner Randy Johnson at this time to reduce the penalties and interest by 1/2 of the amount due for this year only. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Treasurer, JoAnn Behling was directed to notify Mr. Rapich of the Commission decision.

(5)

INSTALLATION OF A SNACK, CHIP AND SOFT DRINK VENDING MACHINE

This is a follow-up to the January 17, 1996, Commission meeting. The Commission indicating this having been discussed in Elected Officials meeting. It was suggested that the machine not be installed in the open area of either the upstairs or downstairs foyer. That it possibly be installed in the upstairs lunch room.

Whereupon, motion was made by Commissioner Bevan Wilson to authorize a 90 day installation of the snack, chip and soft drink vending machine in the upstairs lunch room. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(6)  
CITIZENS CONCERNS

A) Bruce Funk, on the request of the Driver's License examiners asked that the Commission consider a location in the courthouse for the storage of a camera, eye exam machine and other pieces of equipment which they use in the Emery County location for driver's license testing. This would eliminate them having to load and unload the equipment during those visits to Emery County.

The Commission indicated they would keep this in mind for further consideration when storage space is available.

B) Janet Chandler of the Americorps National Service introduced herself to the Commission. She indicated she would like to provide a leadership and employment seminar needs assessment questionnaire. The questionnaire was provided to those in attendance. This is part of the National Resource Conservation Service in which they would like to assess the need for a leadership training program. She indicated she works with the three Counties. These seminars would probably be in the Fall.

(7)  
RATIFICATION OF HIRING OF JOANNE EKKER AS TRAVEL DIRECTOR

This matter was tabled at the request of Economic Development Director, Rosann Fillmore.

(8)  
ROAD DEPARTMENT/LANDFILL ITEMS

Road Superintendent, Rex Funk presented to the Commission for their consideration a draft Interlocal Agreement with Castle Dale in regard to supplying water to the landfill. The Agreement has not yet gone to Castle Dale City. It will cover a six inch line. There would be a \$2,000 hook-up fee. He asked that a Commissioner be designated to approve the final agreement. However, it was the consensus and agreement of the Commission that Commissioner Wilson be assigned to work with Mr. Funk in negotiating the final draft and that it be brought back to the Commission for final approval.

(9)  
BUSINESS LICENSE

Clerk, Bruce C. Funk presented the business license application for Connie Hyatt doing a bookkeeping and income tax preparation business in Cleveland. He indicated Bryant Anderson has approved the same.

Whereupon, motion to approve the business license for Connie Hyatt was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

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(10)

CONSIDERATION AND APPROVAL TO BEGIN BIDDING PROCESS FOR SALE OF COUNTY  
PROPERTY LOCATED NEXT TO LANDFILL

This item was tabled at the request of Economic Development Director, Rosann Fillmore.

(11)

COMMISSION MINUTES

The minutes of the December 15, 1995, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson to approve the minutes as corrected. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The minutes of the January 3, 1996, Commission meeting were reviewed. It was the recommendation of the Commission that the comments of Cheryl Sorensen be separated from others speaking in favor and indicated that she supported the Premise Occupation. Also, that Bruce Funk's comments be stricken in length to a summary as provided by Commission Chairman Kent Petersen. In addition, that Commissioner Wilson's comments following that discussion be included in those minutes. Whereupon, motion was made by Commissioner Randy Johnson to approve those minutes based upon the corrections. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. The Commission asked that they receive a copy of the minutes to make sure the changes are made therein.

The minutes of the January 17, 1996, Commission meeting were held for further review until the Commission has had sufficient time to review those.

The minutes of the January 23, 1996, Commission meeting were reviewed. It was the consensus of the Commission that due to the number of changes in those minutes, that the changes be made and reviewed at the next Commission meeting.

(12)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #87839 through and including #88051 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
4	One 395 Okidata Printer - Data Processing	1,075.00	Approved
6	One P100 Power Station - Attorney/Sheriff	2,742.00	Approved

Auditor's Business, cont. . . .

7	One Geri Chair - Nursing Home	687.05	Approved
8	One new Stove and Oven - Nursing Home	3,500.00	Approved
9	Two laundry carts - Nursing Home	999.21	Approved
10	One desk, credenza, bridge and stack on storage - Auditor	1,358.00	Approved

The following disposition of fixed asset forms were presented for Commission consideration:

- One IBM Typewriter, fixed asset #001186, from the Green River Justice Court - to be junked because it does not work.
- One Adler Calculator, no fixed asset tag, from the Green River Justice Court - to be junked because it does not work.
- One picture, fixed asset #002892, from the Recorder's office - to be junked.

Mr. Huntington further advised the Commission that there are a number of items the County has expended funds which are not on the check edit list. These are fixed costs. They have been paid in order to avoid any penalties. They are as follows: the month fixed cost on the health program of \$16,136.35; uniform allowance of \$3,025.00; State Treasurer for assessing and collecting of \$254,420.18; and payroll costs of \$165,158.86.

Commissioner Wilson inquired as to why, other than payroll, the other items are not included on the warrant list or whether there would be an additional list they would be included on. Mr. Huntington again indicated these are continual monthly costs and also they were done to avoid penalties and additional costs to the County.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment, the requisitions for purchase and the fixed assets for disposition as presented. Motion was approved by all members present.

(13)

BEAR CANYON CAMPGROUND MAINTENANCE CONTRACT

Commission Chairman Kent Petersen indicated that he has had a number of inquiries into the maintenance contract on the Bear Canyon Campground. He asked that the Clerk provide to the Attorney's office the maintenance

Bear Canyon, cont. . . .

agreement used for the year 1995. That the Attorney's office work up a contractual agreement for consideration at the next meeting to get the process started.

(14)

APPOINTMENT OF COMMISSION CHAIRMAN FOR 1996

Discussed by the Commission was the need to appoint the Commission Chairman for the year 1996. Whereupon, motion was made by Commissioner Randy Johnson to reappoint Commissioner Kent Petersen for one more year as the Emery County Commission Chairman for the year 1996. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

PERSONNEL/INSURANCE ITEMS

A) Gordon Hillier of Corporate Benefit Services provided to the Commission a summary of the costs over the past seven months for operation of the County health programs. These comparisons were made with last year during the same time period. He discussed those costs per employee per month. He noted that health costs are down 4%, Scrip card is down 7%, dental costs are up about 10% and vision is down 4%. He noted this would be an annual savings of approximately \$106,000 to the County. He felt very good about those costs and savings to the County and felt that there was no need for concern in any of the areas.

B) Personnel Director, Pat Snowball presented to the Commission for consideration several amendments to the Personnel Policy in regards to automatic step increases, merit increases, holiday pay, performance appraisals and orientation of employees.

It was the consensus of the Commission that a number of these matters be held until the March 20, 1996, Commission meeting to allow sufficient time for the Commission, elected officials and department heads to review those. In regards to a policy for the drug and alcohol free workplace program, that those be brought back for further consideration at the February 21, 1996, Commission meeting.

C) Sheriff's office - Mrs. Snowball requested approval to hire Dustin Butler as a Dispatcher I in the Sheriff's office at a Grade 10, Step A or \$9.84 per hour effective February 7, 1996.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to hire Dustin Butler as presented. Motion was approved by all members present. These funds are to come from the COPS grant.

Personnel Items, cont. . . .

D) RSVP - Mrs. Snowball requested approval to hire in an "up-to-90-day" temporary capacity Gwen Parriott at the rate of \$7.53 per hour. Mrs. Parriott resigned effective 12-31-95, but has consented to come back temporarily to help out while we complete the process of hiring a person for her vacancy. This would allow the program to carry on.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the temporary hire of Gwen Parriott as presented. Motion was approved by all members present.

E) Justice Court Clerk-Green River - Judge Burns has recommended an increase for Cynthia Elsenrath. In order to classify her more in keeping with her job duties, consideration is requested to move Cynthia from her current Grade 4, Step D or \$7.83 per hour to a Grade 7, Step B or \$8.51 per hour. In policy terms, this action would be a promotion.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the promotion of Cynthia Elsenrath as presented. Motion was approved by all members present.

(16)

OTHER BUSINESS

Ben Killpack and Jim Bartorelli presented to the Commission for their consideration a Quit Claim Deed on property owned by the County. This on the old State Highway south of Castle Dale. This would quit claim the County property there to Duane Gilbert. He is the new owner of that land and owns property on both sides of the road.

However, the Commission indicated they would like the County Attorney to review the document and discuss County access to the remaining County property which is the old bridge.

(17)

COMMISSION REPORTS

The Commission briefly discussed House Bill 55 which is the County annexation amendment.

Also discussed was that the Supreme Court should be finishing up the claim against Pacificorp on their tax protest.

A letter was received from the State Historical Society indicating that Emery County has been chose as the site for next year's Statehood day on January 4, 1997.



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(18)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 11:40 a.m. was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson 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

February 21, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 4:00 p.m.

(1)

PERSONNEL ITEMS - RESOLUTION 2-21-96A

Personnel Director, Pat Snowball presented to the Commission the following items for consideration:

A) Extension Office - Approval was requested to recruit for a temporary 9-month clerical worker. This would be part-time during the nine-months beginning in April and ending in September. Based on knowledge, skills and ability the pay would be between \$5.00 and \$6.00 per hour.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the recruitment process for a temporary clerical worker in the Extension office as requested. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

B) Road Department - Approval was requested to hire Russell Dull to fill the vacancy of Equipment Operator. Russell has worked for the department in several temporary assignments and is familiar with the equipment and the operation. It is recommended that Russell be hired as an Operator II, Grade 10, Step A or \$9.44 per hour.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the hiring of Russell Dull in the Road Department as requested. Motion was approved by all members present.

C) Substance Abuse Policy - Resolution 2-21-96A - Presented for Commission consideration was Resolution 2-21-96A which amends the personnel policy relative to the Substance Abuse section. Section 23 of the policy which was adopted by Resolution 12-15-95C and does not require drug and alcohol testing would be deleted. A new Section 23 would contain the previous substance abuse policy and addresses the County's policy against substance abuse and the consequences of policy non-compliance. A new Section 24 would be added which is the policy for drug and alcohol-free workplace program for employees with commercial driver's licenses. This policy and procedure complies with the federal highway law relative to drug and alcohol testing.

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Resolution 2-21-96A, cont. . . .

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve Resolution 2-21-96A as presented. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #88253 through and including #88396 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
11	One Landis 8700P Club treadmill - Sheriff	3,680.00	Approved
13	Eight Computer systems for various departments in courthouse - Data Processing	15,146.80	Approved
14	Main Computer for Library system - Library	2,175.00	Approved
15	Seventeen computer systems for libraries - Library	32,186.95	Approved

It was pointed out that Omni-Com was the low bidder by approximately \$100 for each of the 25 computers being purchased. Omni-Com indicated they are interested in offering an additional 5% discount if payment is received prior to ordering the computers. Other bids received were from Office Equipment, Micron from Napa, Idaho, and Tangent. Motion was made by Commissioner Randy Johnson to approve Omni-Com as the low bidder and authorize the purchase and take advantage of the savings by pre-payment. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The following disposition of fixed asset form was presented for Commission consideration: One 1986 White Tractor, fixed asset #05109, from the Road Department, to be used as a trade-in.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment, the requisitions for purchase, noting the treadmill is for use by other County employees so desiring and the dispositions as presented. Motion was approved by all members present.

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(3)  
CASTLE VALLEY SPECIAL SERVICE DISTRICT - CONSIDERATION AND ADOPTION OF  
RESOLUTION 2-21-96B AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF  
\$1,450,000 GENERAL OBLIGATION BONDS

Those present at this time to discuss this matter with the Commission were Darrel Leamaster, Castle Valley Special Service District Administrator, Kent Minchie of Zions Bank Public Finance, and Dale Okerlund, Bond Counsel. Mr. Minchie discussed that the monies would be used to fund construction projects this summer. There is a sewer project for Clawson, drainage in Huntington, Castle Dale and Orangeville and a number of road projects throughout the communities. They had the Bond bid opening this morning. Zions Bank was the apparent low bidder. They had received a total of ten bids. They provided to the Commission a summary of those bids as well as a business transcript as provided by Zions Bank. They outlined in detail the summation of the activities in regards to the sale of the bonds. It was noted that interest on the bonds would amount to \$310,610. He also pointed out that the Community Impact Board was providing \$180,000 as a grant for their participation. These bonds will pay off in the year 2003. They would dove-tail behind the existing debt. Therefore, there would be no increased cost to the tax payers.

Dale Okerlund, Bond Counsel for the Castle Valley Special Service District, reviewed the legal aspects and the Resolution and answered additional questions the Commission had.

Whereupon, motion was made by Commissioner Bevan Wilson to adopt Resolution 2-21-96B as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)  
OFFICE OF FAMILY SERVICES

Representatives of the Emery County Office of Family Services came before the Commission to discuss two programs which they are soliciting Commission support and awareness. The first one being the Single Parent Employment Program. The purpose of the program is to help families move out of poverty by transforming AFDC programs into an employment program and increase the family income through employment and child support with the employment as the goal. They handed out pamphlets outlining the benefits and services in more detail. Also discussed was the EBT which is the Electronic Benefits Transfer. It is a plastic card issued to recipients to replace paper checks, food coupons and other systems providing benefits to the needy. Recipients are issued cards which can be used at automated teller machines or at point of sale devices in stores. It was felt this would reduce the fraud and provide a savings to the tax payers.

In conclusion, the Commission was invited to participate next week in a training meeting in the Museum. They also solicited employment support from the County.

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(5)  
JOHANSEN AND TUTTLE PRESENTATION OF RESURVEY PLATS - RESOLUTION 2-21-96C

LeMont Swasey of Johansen and Tuttle Engineering presented to the Commission the resurvey plats completed for the year 1995 together with Resolution 2-21-96C. It was noted that this has been an on-going program now in its 16th year. The program establishes new section corners where needed. It also provides 1/4 sections. It also relocates descriptions onto the State Plain Coordinates. These plats include the Buffalo Hallow area and the southwest corner of Ferron. These plats primarily are around communities and on private land. Whereupon, motion was made by Commissioner Randy Johnson to accept the plats and Resolution 2-21-96C as presented. Motion was seconded Commissioner Bevan Wilson and approved by all members present.

(6)  
EMERY COUNTY NURSING HOME STAFF - SUPPORT FOR HERITAGE MANAGEMENT

Sandy Jensen, spokesperson for the Staff at the Emery County Nursing Home, presented to the Commission a statement of their support which will also be presented to the Emery County Nursing Home Board. They expressed appreciation for the Nursing Home residents and staff. They appreciated the improvements that have taken place in the residents rooms. They take pride in the appearance of the building, the equipment that has been purchased and the care given the residents. They expressed appreciation for the administration, Paul Jensen and Kathy Wright. They appreciated the positive support from Heritage Management. In conclusion, they would like to see the contract renegotiated between Heritage Management and Emery County. Approximately 36 signatures accompanied the statement.

Linda White spoke in opposition to the continued management contract with Heritage. She indicated it would be a financial benefit for the County to hire a consultant and that it be managed locally by the County. Her experience with Heritage was constantly changing forms, dictating how things were to be done.

Commission Chairman Kent Petersen noted that on or about April 1, the Commission will have to make a decision on renewing the contract with Heritage.

Judy Baker spoke in support of Heritage, indicating that she is responsible for the dietary needs. She didn't recall any incidents where Heritage dictated how she was to take care of the dietary needs, but they have allowed her to make that determination herself. She noted that Heritage Management helps them stay in compliance.

Kathy Wright informed the Commission that Nursing Homes are the most strictly regulated medical agencies. Heritage helps them make sure they are in compliance at all times. They are available for consultation 24 hours a day. In addition, they provide the necessary support and education for the staff.

Emery County Nursing Home, cont. . . .

Norma Funk asked that this committee be allowed to make the same presentation at the Nursing Home Board meeting on February 22, 1996.

A number of citizens expressed strong support and appreciation for the work of the staff and the care to the residents at the Nursing Home.

The Commission expressed appreciation for those being in attendance and giving their comments. They too expressed appreciation to the staff for their care and support of the residents.

(7)

SPARTAN KANGAROO CREW - REQUEST FOR DONATION

The following individuals introduced themselves to the Commission: Jarrod Price, Travis Baker, Kelly Baker, Josh Lake and Denny Robertson. Matt Justice was not in attendance, but was part of the six individuals who have been selected from Emery High School to participate in football for the State of Utah in Australia. They requested Commission consideration of a donation.

Whereupon, motion was made by Commissioner Bevan Wilson to donate \$50 to each of the individuals. Motion was seconded by Commissioner Randy Johnson and approved by all members present. The commission expressed appreciation to the young men and their representation of Emery County at those activities.

(8)

CITIZEN CONCERNS

Eric Anderson, of Emery, informed the Commission of the poor radio reception in the Emery area.

Commissioner Randy Johnson will follow up with this matter.

(9)

ROAD DEPARTMENT/LANDFILL BUSINESS

1) Road Superintendent, Rex Funk discussed the Interlocal Agreement which had been prepared between Emery County and Castle Dale City for a water hook-up to the County Landfill. Mr. Funk indicated that they have met with Castle Dale City. They have basically rejected the agreement based on Item #6 which therein allowed the County to hook up additional users. He noted that the purpose in this was that the County has a parcel of ground zoned for Commercial and at some future time connections would possibly be required at that site. However, Castle Dale Mayor outlined the City's concerns in that their present policy does not allow for outside hook ups but that they would consider hook ups at the industrial site on an individual basis. Also discussed was the \$2,050 connection fee. It was understood by all present that Castle Dale would pay Castle Valley Special Service District that amount

Road Department Business, cont. . . .

for the meters and installation and in turn, Castle Dale City would bill the County for that amount. The water rate would be based on \$1 per thousand gallons as billed monthly.

Whereupon, motion was made by Commissioner Randy Johnson to approve the interlocal agreement with Castle Dale and delete item #6 from the original and agree to the water connection fee and the monthly billing as discussed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Road Superintendent, Rex Funk further discussed the number of shares of water required initially, that being set at 5. After one year, an adjustment would be made.

2) Mr. Funk informed the Commission that the Emery County Special Service District No. 1 is considering a project south from the Ferron Stake Center and around to Highway 10. He reviewed the Interlocal Agreement the County has in regards to these roads. Part of the road in question borders Ferron City. He indicated it has always been a class B road. It was discussed and agreed upon that the Emery County Special Service District No. 1 could proceed with the project. It was further recommended that the County Attorney's office review the documents, recommending that the Emery County Special Service District No. 1 proceed with the project.

(10)

BEAR CANYON MAINTENANCE CONTRACT

County Attorney, David Blackwell presented to the Commission an outline of the duties for the campground caretaker. Recommendations were made by the Commission. Whereupon, Mr. Blackwell will provide to the Clerk's office a final draft for the duties. It was the consensus of the Commission that bids be received up to 5:00 p.m. on April 2 and that they be opened in the Commission meeting of April 3 at 9:00 a.m.

Whereupon, motion to that effect was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson as discussed. Motion was approved by all members present.

The County Clerk is to prepare the advertisement.

(11)  
APPOINTMENT OF BOARD MEMBERS TO THE EMERY COUNTY PLANNING COMMISSION

Planning and Zoning Director, Bryant Anderson presented to the Commission for consideration the following names for appointment to the Emery County Planning Commission. He noted that these people are presently serving in these capacities. However, it was felt that from a research of the records there was a need to update the Commission and establish their terms of office. They are as follows: Bevan Wilson, Ex Officio Officer, of Huntington; Tracy Jeffs of Castle Dale, and Ben Coomer of Green River, whose terms will expire December 31, 1996; Doyle Jensen of Elmo, and Glenys Sitterud of Emery, whose terms will expire December 31, 1997; and Mack Huntington of Orangeville and Ken Stilson of Orangeville, whose terms will expire December 31, 1998. By-laws of the Board outline that all terms of office will be for three years and any re-appointments would be for that period of time.

Whereupon, motion was made by Commissioner Randy Johnson to appoint those persons as presented to the Planning Commission. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)  
COMMISSION MINUTES

The minutes of the January 17, 1996, Commission meeting were held for further review until the next Commission meeting.

The minutes of the January 23, 1996, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson to approve the minutes as corrected. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The minutes of the February 7, 1996, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson to approve the minutes as corrected. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)  
COMMISSION REPORTS

Commissioner Randy Johnson:

1. He reviewed his time spent at the Legislature and particularly with those bills impacting Emery County. He briefly reviewed that HB55, which is the annexation bill, which would allow a portion of Green River City presently in Grand County to be annexed into Emery County, has cleared the House and has also cleared the Senate committee and should be on the floor of the Senate very shortly.



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Commission Reports, cont. . . .

Commission Chairman Kent Petersen:

1. He discussed his meeting last Friday with the BLM Resource Advisory Council. His meetings and discussions in regards to the Secretary of the Interior Bruce Babbett.

(14)

OTHER BUSINESS

Road Superintendent, Rex Funk asked the commission if they have had a chance to review the notice being sent to the City's in regards to the \$10 per ton tipage fee.

The Commission had acknowledged receipt of that and would get back to him.

(15)

MEETING ADJOURNMENT

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to adjourn the meeting. Motion was 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

March 6, 1996

Those present at the meeting were Commissioners Kent Petersen and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m. recognizing the absence of Commissioner Randy Johnson who is attending NACO meetings. He is lobbying a number of congressional people in Washington, DC, on the Utah Wilderness Bill and PILT issues.

(1)

CONSIDERATION AND APPROVAL OF TAX ABATEMENT - DELORES CLEGG

Treasurer, JoAnn Behling indicated this property was sold in 1981, but due to the fact that the Warranty Deed did not warrant title on 19.5 feet of the total property involved in the sale, the Recorder at that time chose to leave the 19.5 feet in Mrs. Clegg's name. Mrs. Clegg has not paid taxes on this property for four years so it will be coming up for tax sale in the next year. Mrs. Behling feels that the change should have been made for the entire piece which was described on the deed although warrant was not given on the 19.5 feet as stated on the deed. Mrs. Clegg should not have been taxed for the 19.5 foot strip of land. It was Mrs. Behling's recommendation that the taxes be abated.

Whereupon, motion was made by Commissioner Bevan Wilson to abate the taxes as recommended. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(2)

CONSIDERATION OF OIL AND GAS LEASE BY DOLAR OIL

County Attorney, David Blackwell reviewed the lease agreement. He indicated that there was question as to title on the road, in that the County had only a road right of way deed. For this reason, he is recommending that the County not warrant title. He also discussed other changes he would recommend.

Recorder, Dixie Swasey pointed out that a portion of that is designated as a road located by the Wilberg Mine Monument.

After further discussion, it was the consensus and recommendation of the Commission that Road Superintendent, Rex Funk and Recorder, Dixie Swasey establish where the property in question is located and provide a map of the roads in the County for possibly posting in the Commission meeting room for referral. Therefore, action on this matter is to be deferred until the next Commission meeting.

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(3)

CONSIDERATION OF AN INTERLOCAL AGREEMENT BETWEEN EMERY COUNTY AND GREEN RIVER CITY REGARDING ALLOWING THE EMERY COUNTY JUSTICE COURT TO HEAR AND PROCESS GREEN RIVER CITY CITATIONS

County Attorney, David Blackwell presented to the Commission for their consideration and approval an Interlocal Agreement between Emery County and Green River City. The agreement allows Green River City to contract with the County to perform duties of the Justice Court on behalf of the City. This for enforcement and processing of all citations issued for violation of Green River City Ordinances. For that service the County shall retain and process all fine money, fees and other revenues as provided by State Law and the City thereby waives its claim to any such fees or revenue.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the Interlocal Agreement as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present. (Signed copies were sent to Green River by the County Attorney's office for signature.)

(It was pointed out for those present that House Bill 55 - County Annexation Amendment which would allow that portion of Green River City within Grand County the option of annexing into Emery County has passed the legislature. It is awaiting the Governor's signature.)

(4)

REPAIR OF EMERY COUNTY BILLBOARD SIGN LOCATED IN PRICE BY CORTEC DESIGN

Economic Development Director, Rosann Fillmore presented to the Commission for their consideration a contract between Emery County and Cortec Design for repairs on the Emery County billboard located north of the Hospital in Price. It requires a boom truck and electricians to service the lights. The contract is expected not to exceed \$730.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commission Chairman Kent Petersen to approve the contract as submitted. Motion was approved by all members present.

(5)

CONSIDERATION AND APPROVAL OF INTERLOCAL AGREEMENT WITH EMERY COUNTY SPECIAL SERVICE DISTRICT NO. 1 FOR SERVICES

Commissioner Bevan Wilson reviewed the agreement for services noting that this has been a standard agreement. Wherein, the old agreement Emery County Special Service District No. 1 paid Emery County \$10,000 basically for office space, services of the County Auditor, County Attorney's office, secretarial, etc. He further pointed out that through the budget process the County considered the expense and the need for monitoring revenues from coal and mineral lease monies. Therefore, they had considered a proposal of a public land council director. This person would help monitor and track those monies

Interlocal Agreement, cont. . . .

and would provide part-time services to the District. Therefore, they have recommended that the Agreement be increased to \$95,000 per year contribution to pay for most of the costs of the Public Lands Council Director. The Agreement is for five years and becomes effective April 1, 1996.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the Interlocal Agreement as presented. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(Emery County Special Service District No. 1 Board has previously approved the agreement.)

(The Clerk's office was not provided with a signed original of the Interlocal Agreement.)

(6)

DISCUSSION OF AGREEMENT BETWEEN EMERY COUNTY AND GRAND COUNTY FOR THE RETIRED SENIOR VOLUNTEER PROGRAM

County Attorney, David Blackwell indicated he has met with Carolyn Randall of the RSVP program, noting that this is an on-going agreement. Previously the County was reimbursed at \$4,000 from Grand County. That has now been increased to \$6,000. Grand County is current in their payments. The agreement ends July of this year. He would be working on the Interlocal Agreement for the coming fiscal year. A discussion ensued as to whether employee should be an Emery or Grand County employee. It was suggested that Grand County pay that employee and that amount be deducted from the \$6,000 payment to Emery County.

Commissioner Bevan Wilson inquired if Grand County could hire and take care of the payroll since this office is located in Grand County.

Maughan Guymon, from the Area Agency on Aging, informed the Commission that he didn't think Grand County could take over the entire process because of the structure which the grant fundings are set up. In that it is joint between Emery and Grand County.

After further discussion, it was the consensus of those present that this item be held for further discussion and review. After the County has had the opportunity to meet with the Grand County Commission to discuss this option further.

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(7)

DISCUSSION OF DON GALE EDITORIAL

The Commission reviewed the letter received from Don Gale of KSL Television. He indicated that as part of the Centennial he would be preparing an editorial on Emery County. In the meantime he would like to be sent some useful information. Information requested was the two greatest economic activities in Emery County, tourism, what sets Emery County apart from other Counties and one historical event that stands out from all the others.

(8)

EMERY COUNTY TO HOST 1997 STATEHOOD DAY CELEBRATION

The Commission reviewed a letter received from Max Evans from the Utah State Historical Society that the Emery County Commission and the Emery County Historical Society host the 1997 statehood day celebration. It went on to recognize the outstanding work of the Historical Society in the last 20 years.

Whereupon, motion was made by Commission Chairman Kent Petersen designating the Emery County Historical Society to be the lead agency in corresponding with the State Historical Society in a follow-up to the 1997 Statehood Day Celebration. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

SAN RAFAEL SWINGING BRIDGE NOMINATED TO THE NATIONAL REGISTER OF HISTORICAL PLACES

The Commission noted receipt of a letter from the Utah State Historical Society wherein the Swinging Bridge located on the San Rafael River has been nominated to the National Register of Historical Places. Discussed as the effect this would have in regards to the bridge. It was indicated that representatives from Emery County needed to be at the meeting on March 22 at 2:00 p.m. in Salt Lake City where the nomination and presentation is to be made in support of its placing on the National Register of Historic places.

After further discussion, motion was made by Commission Chairman Kent Petersen to appoint Treasurer, JoAnn Behling to be in charge of getting together a proper delegation to represent Emery County interests and attend the meeting. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

ROAD DEPARTMENT/LANDFILL ITEMS

A) Castle Dale Bridge - Road Superintendent, Rex Funk discussed with the Commission the cost estimates for restoring the embankment on the old Castle Bridge, rock rip rap, removal of sand bars and other items. He discussed with the Commission the problems associated with the bridge in that the current

Road Department, cont. . . .

embankment is being washed away. The structure is unsafe and in high waters expected this Spring, it could possibly wash the bridge away.

Engineers Johansen and Tuttle have prepared an estimated cost of approximately \$25,363. The work exceeds the capabilities of the Road Department. Therefore, he would look to letting this out for bid. Funds could possibly come from the flood budget.

Commission Chairman Kent Petersen together with Commissioner Bevan Wilson inquired as to why the County should do this project. Montell Seely of the Cottonwood Parkway Association indicated there are two separate issues that need to be considered. The first being the loss of entry into farms and to prevent further erosion. The second being the bridge itself. It is basically part of our quality of life.

Mr. Funk indicated that restoration of the bridge could run as high as \$100,000.

After further discussion, motion was made by Commissioner Bevan Wilson and seconded by Commission Chairman Kent Petersen to begin the bid process and encourage people to get involved in the bridge restoration project and determine future plans for the bridge itself.

B) Castle Dale South Spur - Mr. Funk indicated the bid was previously released to Nielsen Construction, but costs were over the engineers estimate. It was agreed upon that the contract be renegotiated with Nielsen's. That has been done. Nielsen's have agreed to reduce it by \$3,000. Therefore, the adjusted bid amount is \$32,420. At this time, the engineers recommend that the Commission proceed with the notice of award, etc.

Whereupon, motion was made by Commissioner Bevan Wilson to authorize Commission Chairman Kent Petersen to sign the notice of award and authorize the contractor to proceed with the work and approve the letter of understanding in regards to the final negotiated amount of the contract. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

C) Purchase of Utah Power and Light Building for County Road Department - Mr. Funk inquired of the Commission the status in regards to the County purchasing the abandoned Utah Power and Light building located on Highway 29 for use as a County road shop. He indicated the building would be very serviceable to the Road Department with only minor modifications. The cost has been set by Utah Power at \$600,000, which corresponds to the assessed value established by the Assessor's office.

Road Department, cont. . . .

Commission Chairman Kent Petersen indicated that it would be a good deal for Emery County with a possible savings of approximately \$300,000 versus building a new building as well as advantages of being on the highway.

Commissioner Bevan Wilson pointed out that he would like to see the Commission continue looking at the acquisition of the LDS Church Terminal properties also located north of Castle Dale. He indicated contact has been made there. The LDS Church is in the process of getting an appraisal. There are a total of 20 acres. It would serve the County very well particularly in the storing of new and used culverts as well as other items.

Therefore, it was the consensus and motion of Commissioner Bevan Wilson that the County proceed to investigate both options on behalf of the County. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

D) 1996 Class B Road Projects - Mr. Funk indicated he has approximately \$186,000 in his budget for road projects. Therefore, he presented to the Commission for their consideration four possible road projects.

1) Sally Staker Project. Proposed project: enzyme, chip seal, two miles. Estimated cost \$160,000. This is a school bus route. Consideration was given that it could possible qualify as a project under the Emery County Special Service District No. 1 if they have money there. Mr. Funk will be unable to attend the next Emery County Special Service District No. 1 Board meeting, but would provide the information to Commissioner Wilson who will make the proposal.

2) Dry Wash to I-70. Proposed project: acquire BLM permit and P.E. Design, 18 miles. Estimated cost \$100,000. This is also known as the Moore cut-off. Most of the cost here is aerial photographs and plats. That cost could run as high as \$50,000. Discussed was the possibility of using satellite images which could be purchased at a much reduced cost. This possibility would be discussed further with Johansen and Tuttle and others.

3) Petroglyph Panel to Buckhorn Phase I. Proposed project: restructure road. Estimated cost \$177,000. It appears that portions of that are already permitted.

4) Tan Seeps - Lawrence Cleveland Intersection. Proposed project: lengthen curve, super elevation. Field surveys are completed. No estimated cost at this time.

Commissioner Bevan Wilson recommended that the County proceed with number 3 in order to keep this project and permits alive.

Road Department, cont. . . .

Therefore, after further discussion, Mr. Funk was directed to begin the permitting process on the Petroglyph Panel to Buckhorn Phase I (project #3). It was later determined that after looking into the satellite image system, work may begin in part or all of the three projects with Emery County Special Service District No. 1 consider doing item #1 as a 1996 road project. Therefore, they would discuss this further.

(11)

DISCUSSION OF RUSSIAN OLIVE TREE PROGRAM

Commissioner Bevan Wilson gave an overview and update in regards to the Russian Olive Tree Program. He noted in the past several years the runaway spreading of the Russian Olive tree in Emery County. Particularly in cultivated lands, farms, streams, etc. In many places it is getting out of control. The Russian Olive was introduced by the Division of Wildlife Resources. They have been asked to control the tree, but there has been no consideration of that by the DWR.

Emery County Weed and Mosquito Director, James Nielson, together with the Weed Board, presented to the Commission a program for control of the Russian Olive tree. This having been done at budget time and funds were set aside in the amount of \$10,000 by Emery County. They also recognized Jay Mark Humphrey of the Emery Water Conservancy District who was also present. The Water Conservancy District has agreed to participate primarily in the storing and dispensing of the chemical. It had been further agreed to appoint a committee to study the implementation of the program. It would allow land owners to identify projects, make application, get Weed Board approval. There would also be monitoring and follow-up by the Weed Board.

Jay Mark Humphrey inquired as to the chemicals and who would purchase them.

Commissioner Bevan Wilson indicated he assumed that James Nielson had been in contact with him in regards to these matters.

(12)

RENOVATION OF THE OLD HUNTINGTON LIBRARY/HUNTINGTON SENIOR CITIZENS CENTER/RSVP OFFICES

Maughan Guymon provided to the Commission the proposed changes at the old Huntington Library/Senior Citizens Center. He noted the old library has been vacated due to the construction of the new library in Huntington. It was his recommendation to the Commission that they consider and approve the remodeling of that center which would include the relocation of the RSVP office. He provided drawings to the Commission. He pointed out that there is a need for additional carpeting over what was originally anticipated. Their first estimated cost was for \$18,000 last fall. Also discussed was the Sheriff's



Old Huntington Library, cont. . . .

request for a room in that building. However, after further discussion, Sheriff Guymon withdrew that request.

It was also pointed out by Commissioner Bevan Wilson that the Library Board had agreed to provide \$10,000 in their budget process to help renovate the old library. The County committed to providing another \$7,000. Huntington City would provide \$3,000. He pointed out that Huntington has spent their \$3,000 for new chairs and tables. Mr. Wilson further confirmed with Auditor, Ross Huntington that those funds are still available. Discussed was the possibility of having an open house to recognize the Library Board, Huntington, Area Agency on Aging and others involved in renovating the facility. This would also move the RSVP office from the Courthouse to Huntington. Pointed out was there was approximately \$17,000 in funds remaining for that construction work.

Whereupon, motion was made by Commissioner Bevan Wilson to proceed with the project as recommended, including the consideration of additional carpet as discussed. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(13)

SETTING OF PUBLIC HEARING FOR HIRING OF A PUBLIC LANDS COUNCIL DIRECTOR

Discussed was the need to set a public hearing to receive public comment on Emery County's hiring of a Public Lands Council Director. This would be a full-time position. The person would handle all the requests the County or other County agencies receive in regards to public land issues. This to protect our rights.

Whereupon, motion was made by Commissioner Bevan Wilson to set a public hearing for the hiring of a public lands council director on March 20, 1996, at 7:00 p.m. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

The Clerk's office will notice the public hearing in the Emery County Progress. Also discussed by Brad Barber of the Governor's office was that there are grants as well as other services from other agencies which might be available to assist on public land issues.

(14)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #88642 through and including #88817 for payment.

The following requisitions were presented for Commission consideration:

Auditor's Business, cont. . . .

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
12A	Ten radios, two battery packs, thirty-three modules - Class B Roads	14,595.00	Approved
16	Replacement for 1980 one-ton GMC - Weed & Mosquito	23,612.40	Approved
17	Five Perfect Office Upgrades - Data Processing	1,065.00	Approved

The following dispositions of fixed asset forms were presented for Commission consideration:

- Atlas Drill Press, fixed asset #01608, serial #JC2505-2, from the Road Department - To be junked.
- Mita DC-1605 Copy Machine, fixed asset #5807, serial #GE36010053, from the Division of Motor Vehicles - To be junked.
- 1991 Dodge Dynasty, fixed asset #005355, vin #1B3XC56RBM0160006, from the Courthouse - To be sold at County auction.
- 1986 Oldsmobile Calais, vin #1G3NF69UXGM309135, from Economic Development - To be sold at County auction.

Motion was made by Commissioner Bevan Wilson to approve the warrants for payment, requisitions for purchase and fixed assets for disposition. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(15)

COUNTY AUCTION

The Commission inquired of Sheriff, Lamar Guymon as to the date set for the County Auction. Mr. Guymon advised the Commission that it is set for March 23. The sale would be handled by RMA Sales (Randy Anderson of Emery, Utah). The approximate time would be 10:40 a.m.

Whereupon, the Commission directed Road Superintendent, Rex Funk to have employees there to help gather and set up equipment for the sale as well as assisting afterwards where needed.

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(16)

COMMISSION MINUTES

The minutes of the January 17, 1996, Commission meeting were reviewed and corrected. Motion was made by Commission Chairman Kent Petersen to approve the minutes as corrected, also allowing the option for Commissioner Randy Johnson to give his corrections when he returns. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The minutes of the February 21, 1996, Commission meeting were reviewed and corrected. Motion was made by Commission Chairman Kent Petersen to approve the minutes as corrected, also allowing the option for Commissioner Randy Johnson to give his corrections when he returns. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Road Department - Approval is requested to recruit for a Landfill Screener. This is a temporary up to 9 month position at the rate of \$8.00 per hour. Motion was made by Commissioner Bevan Wilson to approve and proceed in the recruitment process. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

B) Road Department - Approval is requested to give a merit increase to Rick Blackburn. His anniversary date is January 4. It was recommended that the increase be retroactive to January 4. Concern was expressed by the Commission making these types of increases retroactive.

However, after further discussion, motion was made by Commissioner Bevan Wilson to approve the increase for Rick Blackburn as presented retroactive to January 4 and that any future merit increases for January and February be presented to the Commission within the month of March. Motion was seconded by Commission Chairman Kent Petersen and approved by all members present.

(18)

COMMISSION REPORTS

Commissioner Bevan Wilson:

1. He discussed with those present the recently held public awareness meeting on March 5. He outlined the people present at that meeting both from the BLM, State drilling interests, representatives from the Division of Oil, Gas and Mining, Utah State Petroleum Association (Jim Peacock) and interested individuals. He pointed out that a lot of good questions were

## Commission Reports, cont. . . .

answered. The primary purpose of the meeting was to discuss the potential impact of the coal methane gas development and the environmental statement. He also pointed out that it would be approximately two years until development takes place on federal lands. However, there would be no hold back on State and private properties as to development. He suggested that those present refer to the article in the March 5 issue of the Emery County Progress on the development of the oil and gas fields in Colorado and New Mexico in which a number of representatives from Emery County attended. He recognized the importance to prepare now for those impacts. Jim Peacock was particularly helpful at the meeting.

2. He discussed a planning and zoning meeting held March 5. He reviewed with Rex Funk the increased activity in the development of gypsum mines. There is an upcoming tour with the BLM, Planning and Zoning and others to assess the impact to the County roads. Amongst those companies interested are Diamond K and Western Clay. The proposed gypsum plant would be in Sevier County. They are looking at gypsum beds in Emery County because of its high quality. The tour would be approximately March 25, 27 or 28.
3. He reviewed the Memorandum of Understanding between the BLM and Emery County signed February 13, 1996. Wherein, the BLM and Emery County enter into an agreement for Weed Control on BLM properties in Emery County. Whereupon, motion was made by Commission Chairman Kent Petersen to ratify the signing of the Memorandum of Understanding of February 13, 1996, and to set it on the next Commission agenda. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. (The Clerk's office was not provided with a signed original of the memorandum of understanding.)

## Commission Chairman Kent Petersen:

1. He noted that he spent last week in Washington lobbying on behalf of the Utah Wilderness Bill. He indicated he is concerned with the number of republicans who have signed onto HR1500 in support of 5.7 million acres of wilderness which is not favorable to Emery County.
2. Discussed was the Canyon Country Partnership. This organization being made up of Carbon, Emery, Grand and San Juan Counties as well as Federal and State agencies, UDOT, State Lands and State Parks, noting that he is also the Chairman of that group. They are attempting to obtain grants. The partnership is recommending that Emery and Grand Counties be the sponsors.

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Commission Reports, cont. . . .

The Commission inquired of County Attorney, David Blackwell if this presented any liabilities to the County. It was further pointed out that Grand County has agreed to co-sponsor. Mr. Blackwell indicated that the liability issues could be clarified in the forthcoming agreements. Therefore, it was the consensus of the commission that it was a good concept and that they proceed.

(19)

SHERIFF'S BUSINESS

Sheriff, Lamar Guymon inquired as to the status of the ambulance garage located in Castle Dale. He had reports that the building would be torn down for a parking lot. At this time Commissioner Bevan Wilson reported that a new clinic has been discussed. There have been no decisions made as to whether the present facilities would be renovated or whether all the facilities located there would be torn down for construction of a new facility. If torn down, it was felt that possibly the County could make a proposal to trade another piece of property for location of a new facility and possibly put the existing facilities into a senior citizens center. Therefore, the ambulance garage would not be effected. There have been no definite plans made. There has been a medical committee of Emery County citizens created to look at this issue. The Sheriff indicated support for such a proposal.

(20)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 12:35 p.m. was made by Commissioner Bevan Wilson, seconded by Commission Chairman Kent Petersen 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

March 20, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 4:00 p.m.

(1)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Road Department - Requests approval to hire two up-to-nine-month temporary operators at \$9.44 per hour starting approximately the first part of April. Rather than advertise for the positions, they would like to choose from the recent list of applicants for operator, since the latest recruitment was in February.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to begin the process as requested. Motion was approved by all members present.

B) Library - The Green River Library janitor has submitted her resignation which is effective April 1. Request is made for approval to recruit for a replacement who will work approximately 10 hours per week at \$4.25 per hour.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the recruitment process as requested. Motion was approved by all members present.

C) Merit Increases - The following Merit Increases are requested:

Leslie Bolinder, Commission Office, hire date 3-13-89, from 14C or \$933.60 per pay period to 14D or \$952.80 per pay period

Mickie Carter, Cleveland Library, hire date 3-14-74, from 7D or \$8.88 per hour to 7E or \$9.07 per hour

Odessa Jones, Castle Dale Library, hire date 2-18-80, from 7D or \$8.88 per hour to 7E, or \$9.07 per hour

Lynda Smith, Road Department, hire date 2-16-89, from 5D or \$8.17 per hour to 5E or \$8.34 per hour

Personnel Items, cont. . . .

JoAnn Taylor, Treasurer's Office, hire date 3-1-89, from 9E or \$9.85 per hour to 9G or \$10.26 per hour

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to accept and adopt the merit and step increases as recommended by the Departments. Motion was approved by all members present.

(2)

RECOGNITION AND SPECIAL PRESENTATION TO DENNY ROBERTSON BY THE SHERIFF

Sheriff, Lamar Guymon introduced Denny Robertson to the Commission and those present. He recognized Denny having on March 15, 1996, while working for Wanda Vaughn noticed that she was choking. Denny performed the Heimlich maneuver and is credited with saving her life. Appreciation was expressed to Mr. Robertson by those in attendance. He was presented with a plaque in recognition of his efforts.

(3)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #88989 through and including #89187 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
19	Electrical upgrades for computers - Nursing Home	1,190.54	Approved
20	Laptop computer and modem - Economic Development	2,634.55	Approved
21	Processor ACP302V Bessler Therm Phot - Sheriff	3,475.00	Approved

The following disposition of asset forms were presented from Commission approval:

Computer and monitor, from Extension, fixed asset #004901, serial #MA873921 and #15492, to be transferred to the Nursing Home

Large wooden table, from Library, fixed asset #002486, to be junked

Small wooden table, from Library, fixed asset #002480, to be junked

Metal student desk, from Library, fixed asset #002483, to be junked

## Auditor's Business, cont. . . .

1983 GMC Sierra, from Sheriff's department, fixed asset #005059, vin #1G5EC16L6DF502901, to be sold at County Auction

1984 Ford CTV35C Ambulance, from Sheriff's department, no fixed asset tag, vin #1FDKE30L5EHA86514, to be sold at County Auction

1988 Chevrolet C10 Pickup, from Sheriff's department, no fixed asset tag, vin #1GCD14z0JE100997, to be sold at County Auction

1988 Chevrolet Caprice, from Sheriff's department, fixed asset #5136, vin #1G1BN51H4JR178320, to be sold at County Auction

1990 Dodge Ramcharger, from Sheriff's department, fixed asset #5468, vin #3B4GM17Z9LM941092, to be sold at County Auction

1990 Dodge Ramcharger, from Sheriff's department, fixed asset #5470, vin #3B4GM17Z5LM04190, to be sold at County Auction

1990 Dodge Ramcharger, from Sheriff's department, fixed asset #5471, vin #3B4GM17Z9LM041089, to be sold at County Auction

1991 Dodge Ramcharger, from Sheriff's department, fixed asset #5525, vin #3B4GM07Z7MM044360, to be sold at County Auction

1991 Dodge Ramcharger, from Sheriff's department, fixed asset #5523, vin #3B4GM07Z9MM044361, to be sold at County Auction

1991 Chevrolet Caprice, from Sheriff's department, fixed asset #5519, vin #1G1BL5374MR144988, to be sold at County Auction

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment, requisitions for purchase and dispositions for disposal. Motion was approved by all members present.

(4)

ADOPTION OF RESOLUTION 3-20-96A - AUTHORIZING THE ISSUANCE OF \$8,750,000  
TAXABLE ENVIRONMENTAL IMPROVEMENT REVENUE BONDS SERIES 1996-T - PACIFICORP  
PROJECT

David J. Stevens, attorney with Chapman and Cutler serving as independent bond counsel, reviewed with the Commission the purpose of the taxable bonds in that they are short-term three-year. They will be bought by Pacificorp. They represent only a temporary issue for the pollution control, sewage and/or solid waste disposal facilities.

Commission Chairman Kent Petersen inquired as to why Emery County was a party to this as a signature and why should Emery County participate.



Resolution 3-20-96A, cont. . . .

Mr. Stevens indicated that this procedure is required to be in compliance with State Tax laws. With the present taxing position, they cannot combine the issuance of bonds for another two to five years and at that time they will do one issue which will provide to Emery County those funds normally received by the County in the issuance of non-taxable bonds.

Commissioner Petersen continued in that this is an example of Emery County helping out Pacificorp. They have received a considerable benefit and yet Pacificorp continues to protest their taxes. Commissioner Petersen has requested in the future that representatives from Pacificorp meet with the Commission to discuss Emery County's interest and the tax issues.

Mr. Stevens indicated that these bonds would have no effect on the bonding capacity of Emery County and that they further represent no risk to the County.

County Attorney, David Blackwell indicated that his office as well as Dale Okerlund, Emery County Bond Counsel, have reviewed the documentation and feel comfortable with them.

Commissioner Bevan Wilson concurred in the request that next time representatives from Pacificorp be present.

Whereupon, motion was made by Commissioner Randy Johnson to adopt Resolution 3-20-96A, authorizing the issuance and sale of \$8,750,000 Taxable Environmental Improvement Revenue Bonds as discussed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. Again it was emphasized that in future issues, that representatives from Pacificorp be present.

(5)

USDA/AMERICORPS REQUEST FOR PLANTERS AND FLOWER SEEDS

Patricia Kresha Eastman came before the Commission representing members of the USDA/Americorps in their project to place four planters with soil and seeds in Emery, a couple planters in Green River and seeding of vacant lots with dry land wildflowers. On conclusion of her presentation, it was suggested that contact might be made with the BLM as they may have obtained confiscated wildflower seeds from gatherers without permits on public lands.

Whereupon, motion was made by Commissioner Randy Johnson to support the project in providing the requested planters and seeds, recognizing that the soil and seeds for the Emery project are being donated locally. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Janet Chandler was also in attendance from Americorps.

(6)

COMMUNICATION BUSINESS

Bret Mills, addressing the subject of Jim Gordon's request for a temporary site for a cellular phone in Emery County, informed the Commission that he has talked with Mr. Gordon and informed him that his proposed site located on the water tank is a poor location.

Mr. Mills indicated he has two other matters of business. He has received letters from two different entities in regards to the Cedar Mountain television site. One from Utah State University who wants to locate an FM translator which would cover our general area. He has no problem with USU's request in that they are in the education portion of the frequency band. They do need to be located on the tower. The present tower is unsatisfactory. A new tower has been budgeted and it would speed up the installation of that tower. What they need from Emery County in their request is an indication that there would be no site charge or costs involved for power in operating the translator. The other request received was from a station out of Grand Junction. It was uncertain as to what equipment was being furnished. It could cost the County as much as \$5,000. Whereas the former one, they would furnish their own equipment.

Whereupon, motion was made by Commissioner Randy Johnson to proceed with the Utah State University request and in the meantime research the other request from Grand Junction as to the cost involved and how much they will participate. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

EMERY COUNTY SHERIFF'S DEPARTMENT AND FOREST SERVICE AGREEMENT

Sheriff, Lamar Guymon informed the Commission that an agreement has been submitted to the County in regards to reimbursing the Emery County Sheriff's department for services rendered on the Forest. He further pointed out that Emery County's costs were fully funded since 1970. That proposed reimbursement has now dropped to \$7,000. It requires much more extensive paper work and outlined times when services are required. He further questioned whether it was worth it.

Motion was made by Commissioner Randy Johnson to table this matter for further review. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(8)

ELMO TOWN REQUEST

A request was received from Elmo Town for a contribution to their annual Horse and Buggy Days celebration.

Auditor, Ross Huntington pointed out that \$250 was provided last year. Monies are in the dues and contributions for towns for their annual celebrations.

Whereupon, motion was made by Commissioner Randy Johnson to approve a \$250 contribution to Elmo Town for their annual Horse and Buggy Days celebration. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

CENTENNIAL COOKBOOK

The following members of the Emery County Centennial Committee came before the Commission to discuss Emery County's Centennial Cookbook: Barbra Jones, Angie Fillmore and Jerilyn Mathis. Barbra Jones, spokesperson for the Committee, indicated this was their centennial project to produce a cookbook to sale. The students in art have been involved in the cookbook. It contains approximately 1,200 recipes. They are trying to pre-sell the cookbooks. However, they need funds from the Centennial Fund to begin the publication. That cost is \$24,000. They will be ordering 4,000 books. It will be a limited edition collector's item. Pre-sell cost would be \$12.00. After that time the cost would be \$15.00. They hope to have the book available for mother's day. They further went on to outline the features and contributors of the cookbook.

Whereupon, motion was made by Commissioner Randy Johnson to support the project in giving permission to proceed, provided all contracts are in place and approved by the County Attorney's office. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

CITIZEN CONCERNS

Mark H. Williams inquired of the Commission of the possibility to grade the Buckhorn road during that time after a storm when there is sufficient moisture in the road base to do an effective job. Discussed was that this would require some grading on the weekends. Discussed were the problems involved in overtime as well as inconvenience to weekend users.

Road Superintendent, Rex Funk indicated there would be grading done on the road prior to Easter Weekend.

(11)

SHERIFF'S BUSINESS

A) Green River Friendship Cruise - Sheriff, Lamar Guymon discussed the Friendship Cruise which is held annually in Green River. The committee originally sponsoring that has become defunct and have asked that the Sheriff's Posse take over that event. He indicated it would be a fund raiser project for the Sheriff's department. It would involve both the Green River and Emery County Posse. They have sufficient funds to sponsor the event this year and it would be an on-going self-sufficient event thereafter. It would be no cost to the County to take it over. Questions were raised as to the liability. That has been taken care of through event liability insurance. However, Mr. Guymon didn't want the BLM use permits to lapse. It is a good event. It has the support of the community. It was recommended that the County Attorney's office review this matter in the meantime.

Motion was made by Commissioner Randy Johnson to approve the Sheriff's Posse taking over the annual Green River Friendship Cruise. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

B) Ambulance - Sheriff Guymon indicated that they have made a grant application for two ambulances. They received only one grant in the amount of \$19,000. Therefore, one ambulance would have to be purchased at full cost for \$81,000. The second one at \$60,000.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the purchase of one ambulance at this time for \$81,000, awaiting receipt of the grant for the purchase of the second. This ambulance for Green River. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

C) Retirement of Norm Vuksinick, Sr., and Replacement - Sheriff Guymon informed the Commission that Norm Vuksinick, Sr., will retire on April 15, 1996. Therefore, he would like permission to replace Mr. Vuksinick in the Sheriff's department.

Whereupon, motion was made by Commissioner Randy Johnson to authorize the Sheriff to proceed with the selection and also to proceed with the selection of a new sergeant. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Sheriff Guymon is to work with Personnel Director, Pat Snowball.

(12)

PUBLIC HEARING - EMERY COUNTY BUILDING AUTHORITY FUND - BUDGET

Commission Chairman Kent Petersen recognized the time at 6:00 p.m. and opened the meeting to a public hearing to receive public comment on the 1996 proposed budget for the Emery County Building Authority Fund.

Public Hearing, cont. . . .

At this time, Auditor, Ross Huntington informed the Commission that originally no budget had been provided for the Building Authority for improvements on the building under a lease purchase agreement with the Health District. It was pointed out the need to remodel the building at an estimated cost of \$30,000. Presently there is \$30,000 in the lease fund which could be used to make those improvements. These funds have come from lease payments by the Southeastern Utah Health District. He provided to the Commission copies of the proposed budget.

Commission Chairman Kent Petersen reviewed the history and the lease purchase agreement. He noted that the remodeling cost would be added to the total cost of the building. The building would be entirely funded by the payments from the Health District. He suggested that the Commission adopt Resolution 3-20-96B which would adopt a revenue and expenditure budget of \$30,000 each for the Building Authority.

Commissioner Petersen inquired if there were any other comments.

Clerk, Bruce C. Funk inquired whether the requirements of the Utah Code had been met in regards to the bidding process for remodeling where the costs were anticipated to exceed \$25,000. Mr. Funk had earlier brought this to the attention of Mr. Cunningham, Director of the Health District.

Commissioner Randy Johnson indicated he would look into this matter. There being no further questions or comments, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to close the public hearing at 6:08 p.m. Motion was approved by all members present. The Commission reconvened the regular Commission meeting.

(13)

ADOPTION OF RESOLUTION 3-20-96B - REVENUE AND EXPENDITURE BUDGET FOR EMERY COUNTY BUILDING AUTHORITY

A public hearing having been held in regards to Resolution 3-20-96B. Wherein, said Resolution sets the 1996 revenue and expenditure budget for the Emery County Municipal Building Authority at \$30,000 each. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve Resolution 3-20-96B as presented. Motion was approved by all members present.

(14)

CONSIDERATION AND APPROVAL OF GAS LEASE OFFERED BY DOLAR OIL PROPERTIES

This matter having been on the agenda for a previous Commission meeting and tabled, it is before the Commission at this time. County Attorney, David Blackwell informed the Commission that the property runs through Roger Curtis property. (Mr. Curtis was in attendance at this time.) He pointed out that

Gas Lease - Dolar Oil, cont. . . .

Emery County has a road right-of-way. As such, the County has exempted itself from warranting title or ownership of property or rights in accepting leases such as are before the Commission at this time.

Road Superintendent, Rex Funk inquired as to why it has never been abandoned back to the property owners. It also extends onto Utah Power and Light Property.

Recorder, Dixie Swasey indicated the County obtained a road right-of-way in 1918. There were no clauses provided therein should it not be used for a road, that it revert back to the property owner.

Mr. Blackwell continued that the County would have to follow proper procedure as set up in the disposal policy. Wherein, the County would have to notify the adjacent property owners, which in this case would be Mr. Curtis, and would have to go through an advertising process. The Commission further directed Mr. Blackwell to work towards a solution in disposing of this property to Mr. Curtis.

Motion was made by Commissioner Bevan Wilson, upon recommendation of the County Attorney, that they approve the lease agreement offered by Dolar Oil Properties in regards to the mineral rights, if any, that the County may have and that the County Attorney's office proceed to abandon the right of way to Mr. Curtis. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

FERRON CITY - RECREATION - REQUEST FOR MINERAL LEASE FUNDS

Garth Larsen, Council member for Ferron City, reviewed a recent meeting with the Permanent Community Impact Fund Board. He felt they suggested that Ferron City look to local mineral lease monies for funding of projects before going before the PCFIB. He noted that upon his review there is a mineral lease monies surplus from 1995. (Referring to funds of the Emery County Special Service District #1.) He questioned if some of those monies could be used for recreation. He asked what the Commission's understanding of the meeting with the PCFIB was as to funding.

Commission Chairman Kent Petersen indicated that he thought that funding of recreation projects needed to be done with the Recreation District. He questioned whether the Recreation District might be made into a taxing district. Also mentioned was possible funding of more projects if Emery County could get a greater portion of their mineral lease monies back.

Commissioner Bevan Wilson pointed out that what appears to be a surplus fund is actually monies for several projects which are presently under construction and those funds are obligated. He reviewed the creation of the Emery County

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Ferron City Request, cont. . . .

Special Service District No. 1 and its limited purposes for roads. It was further pointed out that the Castle Valley Special Service District is presently receiving 15% of those funds which would normally remain with the Special Service District No. 1.

Dan Whiteleather, Council member from Castle Dale City, gave his support for Ferron City in the recreation project. That it be funded in part by those mineral lease monies. A portion of those funds could be approved by the Commission for recreation in Emery County.

Commissioner Bevan Wilson reviewed public hearings in regards to the Recreation District projects. These having been held a couple of years ago with the consensus of the public at that time that expenditures for recreation and taxing of the District should go to a vote of the people. Commissioner Wilson again emphasized support for Ferron City in their project. He also noted that further consideration has been given by the Special Service District No. 1 Board for other types of consideration. None were disclosed at this time.

Discussion was concluded at this time in order to recess the regular Commission meeting.

(16)

RECESS COMMISSION MEETING - CONVENE MUNICIPAL BUILDING AUTHORITY MEETING

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to recess the regular Commission meeting at 6:45 p.m. to convene the Municipal Building Authority meeting. Motion was approved by all members present.

(17)

RECONVENE REGULAR COMMISSION MEETING

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to reconvene the regular Commission meeting at 6:50 p.m. Motion was approved by all members present.

(18)

DISCUSSION OF RECREATION BUDGET AND EXPENDITURES

Representatives of the Jr. Jazz Basketball, Baseball and other groups came before the Commission to discuss the \$2,900 which had been set aside for the Jr. Jazz Basketball. The Commission had been informed by Auditor, Ross Huntington that the total of \$2,900 had been budgeted for the groups. \$725 is to go to the Castle Dale/Orangeville group, \$725 to go to Ferron/Emery group, \$725 to the Cleveland/Elmo group and \$725 to the Huntington group. Those present asked that it be sent as a lump sum to the group for disbursement by

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Recreation Budget, cont. . . .

the league in those areas where funds are most needed. The Commission pointed out that funds would have to be disbursed as budgeted.

Dan Whiteleather pointed out the need for the County recreation director to step forward and run the program and to eliminate the conflict. That person needs to be full time and it needs to be run as a County program.

Commissioner Bevan Wilson again pointed out that it was the intent of the Commission that monies spent in the budget go through the director. This keeps him more involved with the leagues, the league directors and the people. Discussed was that the league directors sit down with the County Recreation Director and others to see what can be done to make the Recreation programs better in the County.

Shannon Hyatt and others discussed the amount of money and time that they contribute themselves, the continuity for more support for travel schedules and help in getting dollars through the budget process.

Commissioner Randy Johnson pointed out it was not the intent of the Commission to fund the leagues, but simply to make a contribution. Discussed was whether the liability insurance could be under the County.

Commissioner Bevan Wilson further requested that those in attendance identify the problems and make recommendations. That this be a joint effort. That Dave Thompson set up a meeting to discuss these matters further.

(19)

PUBLIC HEARING - PUBLIC LANDS COUNCIL DIRECTOR

This having been advertised in the Emery County Progress that a public hearing would be held on March 20, 1996, at 7:00 p.m. to take public input in regards to Emery County hiring a public lands council director.

Whereupon, Commission Chairman Kent Petersen at 7:07 p.m. opened the meeting for public comment to discuss the hiring of an Executive Director for the Public Lands Council. Commissioner Petersen discussed the need for the director. He discussed the creation of the public lands council. The members making up that council are Tracy Jeffs, Wes Curtis, Dennis Worwood, Eugene Johansen, Craig Johansen, Ira Hatch and Mervin Miles. He discussed the groups involvement in the Project 2000, the Wilderness debate and its great benefit to the Commission and Emery County in the Wilderness issue. Emery County needs to be more closely involved with Federal agencies. In order to do this you need someone full time, such as an Executive Director. The Emery County Special Service District No. 1 is assisting by contributing funds. In turn, they will use the Director to help keep track of Mineral Lease monies that they are entitled to and the water rights issues through mining companies.



Public Hearing, cont. . . .

Commissioner Bevan Wilson discussed the water conservation plan. This effecting the water users, both irrigation and culinary. There is a need to have a full time person because of the impact on water by coal companies. He discussed those monies already spent by water companies to fund litigation to protect water rights and the progress made. There is a need to have someone who can stay abreast of the issues. Also, in light of the federal cut-backs on the Forest and BLM, their management of those lands has become more difficult.

At this time, the Commission opened the meeting for public comment.

Wes Curtis, a member of the Public Lands Council, is very supportive of the Commission in the hiring of a Public Lands Council Executive Director. He pointed out that 92% of land of Emery County is public lands. A number of impacts effecting Emery County, the loss of springs, the drilling of methane coal beds, tourism, the need to watch and monitor mineral lease monies. It provides an opportunity to be partners with Federal agencies in planning for and managing the land. This could be one of the most important outcomes of this committee.

Tracy Jeffs, a member of the Public Lands Council, reviewed the progress of the Public Lands Council. It has been a great tool for change. He discussed the early involvement of the membership and the time spent as well as personal expense. He noted that if the County had done this previously, that possibly we could have been a great leader in the wilderness charge. He read the mission statement of the public lands council. He also indicated a memorandum of understanding has been drafted between the Forest Service, the BLM and Emery County. Wherein, they will not make changes without first coming before that board and the Commission to discuss the impact on the local people. He felt there should be a requirement to fund it the first and possibly the second year. Following that, grants and other funds might be available to continue the program. He read the job description of the Public Lands Council Executive Director. He discussed the master plan.

Mac Huntington concurred with Mr. Jeffs. He does support the intent and the direction they are going. If they remain unified, they could have tremendous clout down the road. It provides an opportunity to address the problems before hand rather than try to retroactively provide a quick fix in helping injured parties. There is a need to keep it as an active functional program and not let it die. He again emphasized support for the Public Lands Council and the hiring of an Executive Director.

Jeff Hayward questioned why such a director is needed and inquired if it was duplicating the work of others. He wanted to know the qualifications of this person. How do we know we are getting a person who can handle the job.

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March 20, 1996

Public Hearing, cont. . . .

Commission Chairman Kent Petersen responded that this person would do work presently being done by the Chairman of the Public Lands Council who is Tracy Jeffs. He would serve as staff to that council. They do not yet know what qualifications they will require.

Commissioner Bevan Wilson pointed out that there is a rough draft of a job description and the qualifications. They need someone who can travel and meet with state and national leaders to discuss the issues and draft legislation. This person will need to be well educated.

Jerry Mangum commended the Commission for the great work they have done in addressing the issues and the problems as well as the land concerns. He supported the hiring of an Executive type director. The Public Lands Council will assist us in catching up to wilderness groups. We need a watch-dog type person to have their nose into everything.

Jim Fauver indicated many of his questions had been answered. He inquired as to the paperwork, the written qualifications, the job description. He suggested the salary be commensurate with other elected officials and department heads. He questioned whether they would be an employee of the County or hired by contract.

Penny Dunn, of the BLM, discussed her role and the involvement of the BLM in the Public Lands Council. She takes her role very seriously in that committee and the community. She is very pleased with progress and the outcome of that group.

Commissioner Randy Johnson outlined his visits to Washington where he has followed the Utah Wilderness effort. They have met with a number of legislators, indicating to them why we feel the way we do and the importance of discussing the public lands council with them and the involvement with the BLM and Forest Service and being able to meet with them in a cooperative effort. This has given those they have met with a very different concept. The Public Lands Council is a very strong influence in his efforts in Washington.

Commission Chairman Kent Petersen again emphasized that the purpose of this meeting was to get the public more involved.

There being no other comments, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to close the public hearing at 8:02 p.m. Motion was approved by all members present.

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(20)  
ROAD DEPARTMENT/LANDFILL ITEMS

Road Superintendent, Rex Funk informed the Commission that the Landfill would begin its summer schedule effective April 1. The hours of the landfill would be from 8:00 a.m. to 6:00 p.m. six days a week, closed on Sundays. They would also be closed on Thanksgiving, Christmas and January 1. He will put an article in the paper as well as Channel 26 indicating the new schedule. He further informed the Commission that the road department crews will begin their summer schedule of 10-hour days, working four days per week.

(21)  
PRIORITIZATION OF PCIFB PROJECTS

Commission Chairman Kent Petersen noted the need to prioritize two projects which the Emery County Recreation Special Service District and Economic Development has before the Permanent Community Impact Fund Board. The two projects are for the Emery County Recreation District, the golf course at Green River, the Emery County Economic Development Council and the University of Utah coal resin feasibility study, recommending prioritization in that order.

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to prioritize the projects with the Emery County Recreation District and the Green River golf course as the number one priority and the University of Utah coal resin feasibility study as the second priority. Motion was approved by all members present.

(22)  
ECONOMIC DEVELOPMENT MATTERS

Economic Development Director, Rosann Fillmore presented the following for Commission consideration:

A) Terms of Office for new Economic Development Directors: Dennis Worwood - term expires 12-31-96; Carol Ware - term expires 12-31-97; Blaine Evans - 3 year term - term expires 12-31-98; Deb Dull - 3 year term - term expires 12-31-98; John Healey - 2 year term - term expires 12-31-97; Bruce McMullin - 2 year term - term expires 12-31-97; and Dave Lucchesi - one year as Chamber Chair.

B) Request for the Commission to sponsor the back page of the Home and Garden Supplement - She discussed with the Commission the upcoming Home and Garden show. This through Economic Development, USU Extension, the Chamber of Commerce and others. She pointed out that the Emery County Progress will do a home and garden supplement to the Emery County Progress. They have requested that the Commission sponsor the back page at a cost of \$292. In this they could also advertise the tree project.

## Economic Development Items, cont. . . .

Whereupon, motion was made by Commissioner Randy Johnson to support and sponsor the back page of the Emery County Progress Home/Garden supplement as discussed. The funds for the advertisement are to come out of dues and contributions. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

C) Disposal of Concession Stand - She informed the Commission that the Economic Development Council has recommended disposing of the concession stand presently located at the Huntington State Park. They have received a bid from the Orangeville little league. Wherein, they have offered to pay a total of \$1,000 over the next two years. However, in lite of the disposal procedure, the Commission recommended advertising for disposal of the building. However, consideration was given to the Sheriff's office who may be able to use that building. If so, the Commission would give that further consideration.

Whereupon, motion was made by Commissioner Bevan Wilson to authorize Rosann Fillmore to proceed in the disposal process. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(23)

DISCUSSION OF PURCHASE OF COURTHOUSE VEHICLES

Economic Development Director, Rosann Fillmore informed the Commission that she has met with car dealers in the Price area. Prices for a mid-sized car is approximately \$17,000. She was uncertain as to what the Commission was looking for. The Commission suggested she work with Sheriff, Lamar Guymon. They would like one mid-size and one larger car. Both vehicles will be placed in the courthouse car-pool. They would like standard equipment, V-6 and other features were discussed.

(24)

RSVP REQUEST FOR SURPLUS VEHICLE

The Commission had received notice that the RSVP would like the use of a surplus vehicle. Sheriff, Lamar Guymon indicated that being disposed was a Chevrolet Caprice which would make a good vehicle. Also discussed was a pick-up for the maintenance person. Therefore, Commissioner Bevan Wilson will meet with Sheriff Guymon and look over the vehicles for RSVP and maintenance.

(25)

APPOINTMENT OF MEMBERS TO THE GREEN RIVER ANNEXATION TRANSITION COMMITTEE

Discussed were meetings in Green River with Green River and Grand County. Wherein, Emery County was to appoint members to the Green River Annexation Transition Committee. Recommended making up that Board from Emery County were Randy Johnson, Bevan Wilson, Blaine Evans, and others to serve as ad-hoc members and one member to be appointed from the Emery Travel Bureau.

Green River Annexation, cont. . . .

Whereupon, motion was made by Commissioner Bevan Wilson to appoint Randy Johnson, Bevan Wilson and Blaine Evans and an appointee submitted by the Travel Council as the Emery County members to serve on the Green River Annexation Transition Committee. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(26)

DISCUSSION OF COMMISSION SALARIES

Commission Chairman Kent Petersen at this time discussed his feelings in regards to Commission salaries. He pointed out that there is a need to look at the job and what it is worth, recognizing that people are willing to take the job for the salary. The public comment is that the public is not willing at this time to pay the increased salary. Therefore, it was his recommendation that the Commission pay issue be cancelled and dropped.

Commissioner Randy Johnson noted that he has only had one person object to the Commission salary increase. This was outside the public meeting. He has had numerous people contact him in support of the salary increase.

Commissioner Bevan Wilson noted that he only had one person prior to the public hearing contact him in regards to this issue. The people need to understand and know what the job involves. As a Commission they did not do a good job educating the public. He still felt that a study needed to be done, comparing County by County, and inform the public as to what elected officials do for the County.

Commissioner Randy Johnson would like to look further into it. He also agreed they did not do as good a job of educating the public as should have been done. Our County has responsibilities more like the first, second and third class counties rather than the fourth class counties. He does support Commission Chairman Kent Petersen recommendation to drop the issue at this time. However, he felt it would be more hypocritical to drop it now and to have it come up later.

Jeff Hayward was given an opportunity to give his view. He pointed out that his first concern was the salaries being increased to \$34,000, noting that nothing was said about what the Commissioners are actually doing in behalf of the people. The people didn't realize what the Commission was involved in. He recognized that there is more work and involvement by the Commission than what he originally had recognized.

Sheriff, Lamar Guymon pointed out that the Commission phone never quits ringing. They take care of a lot of complaints, solve problems much like he does. It is not an eight hour job.

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Discussion of Commission Salaries, cont. . . .

Commissioner Randy Johnson continued that you cannot make the position full-time or part-time job by virtue of the salary. You cannot physically respond to all of the requests. An effort needs to be done to educate the public and possibly look at increasing the Commission salary in smaller increments.

At this time, Commissioner Bevan Wilson noted that overlooked was a request from the County Sheriff for a salary increase which was never discussed at that public hearing.

Whereupon, motion was made by Commissioner Bevan Wilson to table the issue in regards to Commissioner's salaries. Then consideration will only be given after a proper study of Commission salaries has been done. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(27)

SETTING OF PUBLIC HEARING TO DISCUSS THE EMERY COUNTY SHERIFF SALARY INCREASE

Discussed was the need to hold a public hearing to discuss the Sheriff's request for a salary increase. That matter had not been properly discussed in the public hearing held on January 3, 1996. Therefore, it was the recommendation and motion of Commissioner Randy Johnson that a public hearing be set for April 16 to take public input on the Sheriff's request for a salary increase. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

County Attorney, David Blackwell was directed to prepare the notice for publication.

(28)

COMMISSION MEETING DATE CHANGES

Discussed was the need to change the April 3, 1996, Commission meeting. This because of Utah Association of County management conference meetings in Ogden, Utah, and the need to be in attendance at those. Also, the April 17, 1996 Commission meeting, wherein Commission Chairman Kent Petersen needs to be at the Western Governor's final meeting. Because of pending issues for that commission meeting, there is a need to set it when a full Commission can be in attendance. Therefore, after further discussion, motion was made by Commissioner Randy Johnson to move the April 3, 1996, meeting to April 2, 1996, at 4:00 p.m. and the April 17, 1996, meeting be changed to April 16, 1996, at 4:00 p.m. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(29)  
SELECTIVE SERVICE BOARD APPOINTMENT

The Commission advised those present that they have met with the Selective Service Administration. They are in need of a volunteer from Emery County to serve on that Board. After discussion, motion was made by Commissioner Randy Johnson to appoint Dixie Swasey to come up with a recommendation for the Commission at their next Commission meeting. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(30)  
COMMISSION MINUTES

The minutes of the March 6, 1996, Commission meeting were held to allow sufficient time for review.

(31)  
BUSINESS LICENSE

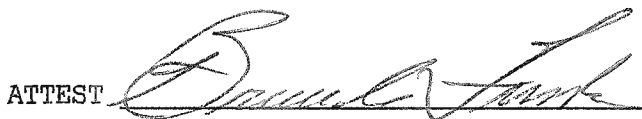
Clerk, Bruce C. Funk presented an application for business license from Todd A. Jensen in Cleveland, doing business as Cedar Mountain Assembly Company. This business sells pre-manufactured electrical components and some small assembled parts to be put together and then sold. He indicated it was received too late to have this placed on the agenda. It appeared the parties were interested in getting approval immediately. Therefore, it was presented for Commission consideration.

Whereupon, motion was made by Commissioner Randy Johnson to approve the business license as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(32)  
MEETING ADJOURNMENT

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to adjourn the meeting at 9:30 p.m. Motion was 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

April 2, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 4:00 p.m.

(1)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel actions for Commission consideration:

A) Landfill - Requested approval to hire in the temporary, up-to-9-month capacity, Michael Miller, beginning 4-3-96 at the rate of \$8.00 per hour with no benefits.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the hiring of Michael Miller as presented. Motion was approved by all members present.

B) Utah State University Extension - Requested approval to hire in the temporary, up-to-9-month capacity, Kristen Hansen, beginning 4-3-96 at the rate of \$5.00 per hour with no benefits.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the hiring of Kristen Hansen as presented. Motion was approved by all members present.

(2)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #89400 through and including #89572 for payment.

The following requisitions were presented for Commission consideration:

<u>Req #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
23	Hewlett Packard 4 plus printer for Dispatch - Sheriff	1,369.00	Approved
24	Three wheelchairs and footrests - Nursing Home	1,362.70	Approved



Auditor's Business, cont. . . .

25	Oltmeter - Nursing Home	695.00	Approved
26	Dishes for dietary - Nursing Home	841.25	Approved
27	Architect Preview - Nursing Home	5,323.00	Approved
28	High pressure washer - Class B	10,067.00	Approved
29	Two remote mount radios - Ambulance	2,860.00	Approved
30	1996 Ford Crown Victoria - Sheriff	19,796.00	Approved

The following disposition of fixed asset forms were presented for Commission consideration:

- 1979 Mercury Station Wagon, serial #9276F645515, from the Nursing Home - Sold at the County Auction
- 1985 Chevy Caprice, fixed asset #5247, serial #1G1BL69H4FY178038, from the Nursing Home - Sold at the County Auction
- 1985 Chevy Caprice, fixed asset #5138, serial #1G1BN51H5JR179833, from the Nursing Home - Sold at the County Auction
- DTK Monitor and Hard Drive, fixed asset #5463, from the Personnel Department - Transferred to RSVP
- Epson Computer Printer LQ570T, fixed asset #5087, from the Personnel Department - Transferred to RSVP
- Metal Rolling Table, fixed asset #6001, from the Personnel Department - Transferred to RSVP
- 1979 Dodge D10 Pickup, fixed asset #1601, serial #D14AN95265324, from the Road Department - Sold at the County Auction

Motion to approve the warrants for payment, requisitions for purchase and dispositions for disposal was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson. Motion was approved by all members present.

(3)

BID OPENING - CASTLE DALE OLD STATE BRIDGE AND CHANNEL STABILIZATION PROJECT

Clerk, Bruce C. Funk was directed to open the bids received on the Castle Dale Old State Bridge and Channel Stabilization project. The following bids were opened and read aloud on the project: Poulsen Construction of Salt Lake City in the amount of \$16,200; Nielson Construction of Huntington in the amount of

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Bid Opening, cont. . . .

\$21,500; Minchey Digging of Cleveland in the amount of \$8,705; and Price Sheet Metal of Price in the amount of \$52,350. All bids received had bid bonds. The engineers estimate for the project was \$19,500. All bids and bid bonds were turned over to Howard Tuttle of Johansen and Tuttle Engineering for review.

Whereupon, motion was made by Commissioner Bevan Wilson to recognize Minchey Digging as the apparent low bid and authorize Commission Chairman Kent Petersen to sign awarding of the contract pending review and recommendation by Johansen and Tuttle Engineering. In lite of the urgency, to begin the project and to sign any additional paper work as necessary. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(4)

AMERICAN FORK - PLANTING OF COUNTY TREE

Commission Chairman Kent Petersen reviewed a letter received from the American Fork Jr. High School wherein they are planting a tree for each County. They would like a donation in their effort in planting a tree for Emery County. The Commission recognized that this was a good effort. Commission Chairman Kent Petersen will contact the school.

(5)

SAN RAFAEL SWINGING BRIDGE - NATIONAL REGISTRY

Commission Chairman Kent Petersen noted receipt of a letter from the Utah State Historical Society. He noted that their Board has approved and will submit the San Rafael Swinging Bridge to the National Historical Registry and that final approval will take six to eight weeks.

(6)

RATIFICATION OF BUSINESS LICENSE - CEDAR MOUNTAIN ASSEMBLY COMPANY

This matter received Commission approval in the March 20, 1996, Commission meeting. However, because of insufficient time to get it on the agenda, it was therefore placed on the Commission agenda at this time for ratification.

Whereupon, motion was made by Commissioner Bevan Wilson to ratify the action of March 20, 1996, approving the business license for Cedar Mountain Assembly Co. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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(7)  
EMERY COUNTY CENTENNIAL COOKBOOK - CONTRACT APPROVAL

Presented to the Commission for their consideration was the contract with the publisher Cookbooks Unlimited for publishing the Emery County Centennial Cookbook. County Attorney, David Blackwell has reviewed the document and is comfortable with the contract after having made one change in the agreement. The Commission further pointed out to Jerilyn Mathis and others who were present that the Commission authorized expenditure of only \$24,000 in their action of March 20, 1996. They were assured by Jerilyn Mathis that those costs would remain within the authorized amount.

Therefore, motion was made by Commissioner Randy Johnson to approve the contract with that understanding. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)  
CHIP HAUL BID OPENING

It was noted that invitation for bids were sent to the following: Sinbad Construction, Kerwin Jensen Trucking, L & K Transport, Jack B. Kelly, Nielson Construction, Kit Anderson and Sons Transfer and Savage Brothers. They were advised that bids for hauling 4,870 ton of chip were to be received on or before 5:00 p.m. April 2, 1996, in the County Clerk's office. The Commission noted it was after 5:00 p.m.

The Clerk's office received the following bids: Sinbad Construction of Orangeville in the amount of \$37,018; Nielson Construction of Huntington in the amount of \$55,695 and Kerwin Jensen Trucking of Cleveland in the amount of \$51,093.40. It was noted that Sinbad Construction was the apparent low bidder. Road Superintendent, Rex Funk recommended that the Commission award the bid hauling award to Sinbad Construction.

Whereupon, motion was made by Commissioner Bevan Wilson to recognize Sinbad Construction as the apparent low bidder and award the bid for hauling chips and authorize Commission Chairman Kent Petersen to sign any additional paper work in order to expedite the project. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(9)  
BEAR CANYON CAMPGROUND CARETAKER BID OPENING

The Clerk's office received three bids for the caretaker at the Bear Canyon Campground. The Clerk was asked to open the bids and read them aloud. The bids were as follows: R & A Enterprises of Huntington in the amount of \$1,225 per month; Rick and Wendy Van Buren of Huntington in the amount of \$1,394 per month; and T-K Grounds Maintenance of Clawson in the amount of \$1,165 per month. Therefore, it was the consensus of the Commission that they acknowledge receipt of the bids and that this be placed on the agenda for the

Bid Opening, cont. . . .

next commission meeting for final approval. Also that the Commission set up a meeting with the apparent low bidder prior to that time.

(10)

CLEVELAND-LLOYD DINOSAUR QUARRY

Commissioner Bevan Wilson discussed meetings that he and Economic Development Director, Rosann Fillmore attended with the Castle Country Travel Council. Wherein, they discussed the short and long term problems of the Quarry. The BLM has been notified that their funds have been cut and they are short approximately \$13,000 in funding to keep it open on a full schedule. Discussed was setting up a committee to pursue funding for the Quarry. Discussed was doing a long-range inventory of fossils and the effort to get colleges and universities who do the excavating to come up with a five year plan and commitment. They have scheduled another meeting next month.

Commission Chairman Kent Petersen discussed the possibility of the museum board getting involved. Also, the Emery County Road Department was thanked for the road work done on the road to the Quarry.

(11)

ROAD DEPARTMENT/LANDFILL BUSINESS

A) Joe's Valley Switchbacks - Road Superintendent, Rex Funk and Johansen and Tuttle Engineer, Howard Tuttle, discussed with the Commission the road stabilization project above Joe's Valley. Those switchbacks are precarious in that they are sharp and there are not enough signs. They have put up "road damaged" signs. The road is stable from an engineering standpoint. However, they have been informed by the Forest Service that it has not been done like the Forest Service would have wanted it done. This would have required a considerable amount of additional funding.

Mr. Tuttle reviewed the initial problem with the construction and the present status with the Commission. It was felt by those involved that if the Forest Service had concerns, they should have discussed those prior to the engineering and construction.

B) Orangeville City Request for Rip-Rap - Mr. Funk indicated that Orangeville City has requested rip-rap from the landfill to place in the Cottonwood Creek to prevent erosion above the bridge going into Orangeville and to protect the new park. They anticipate needing approximately 100 yards.

Whereupon, motion was made by Commissioner Bevan Wilson to approve Orangeville's request. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(12)

ADDITIONAL MEMBERS TO THE TRANSPORTATION COMMISSION

Commission Chairman Kent Petersen noted that recent legislation has increased the number of members on the Transportation Commission from five to seven. One is to come out of Southeastern Utah. The Commission would like to come up with a good recommendation to be presented for consideration at the next Commission meeting.

(13)

APPROVAL OF COMMISSION MINUTES

The minutes of the March 6, 1996, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the March 20, 1996, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

(14)

COMMISSION REPORTS

Commissioner Randy Johnson:

1. He expressed appreciation to the County Community Theatre on their Centennial production.

Commissioner Bevan Wilson:

1. He noted that in 1995 money was provided for race track improvements in Huntington and Ferron. The balance was carried over into this year. He would like to use Nielson Construction and their loader and other necessary equipment to proceed and finish the project. They are obtaining bottom ash from the power plants. There is approximately \$21,700 remaining in capital projects.

Whereupon, motion was made by Commissioner Randy Johnson to approve the request. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

2. He informed the Commission of the need to respond to the Division of Oil, Gas and Mining's public notice and to request a 90-day comment period and further request the holding of a public hearing in Emery County.

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Commission Reports, cont. . . .

Commission Chairman Kent Petersen:

1. He informed the Commission that the Utah Wilderness Bill was dropped from consideration in the U. S. Senate. It could come up later this session or after elections.

(15)

OTHER BUSINESS

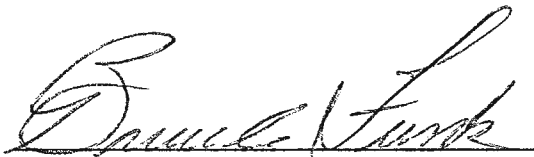
Auditor, Ross Huntington reminded the Commission of their quarterly financial review which is set for April 11 at 10:00 a.m.

(16)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 6:23 p.m. was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson. Motion was 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

April 16, 1996

Those present at the meeting were Commissioners Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

At this time, the Commission excused Commission Chairman Kent Petersen who is not able to attend because of the death of his mother. The Commission expressed their condolences, sympathy and best regards to Commissioner Petersen and his family.

The meeting was called to order at 4:00 p.m.

(1)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented to the Commission the following personnel items:

A) Road Department - The Road Department has recommended a merit increase for Morris Sorensen. Morris's hire date is 4-23-84.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the merit increase for Morris Sorensen as requested. Motion was approved by all members present.

B) Sheriff's Department - The Commission is asked to support the Sheriff's Department policy which was written by a professional law enforcement consultant. Each department employee was given a copy approximately 8 months ago and they will be given one more opportunity to make additional changes. There will be a mini training and overview of the policy. The Commission asked that they also be extended an invitation to participate in those training meetings.

Whereupon, motion was made by Commissioner Randy Johnson to support the implementing of the policy as requested. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

C) Assessor's Office-Temporary Hire - Approval is requested to hire in the temporary up-to-90-day capacity Ashley Riddle. She will perform clerical duties beginning April 15, 1996, at the rate of \$5.00 per hour. Mrs. Snowball indicated that monies have been budgeted. Miss Riddle worked last year in that office in that capacity.

## Personnel Items, cont. . . .

D) Recreation Department-Temporary Hire - Approval is requested to hire in the temporary up-to-90-day capacity Michelle Frandsen. She will perform caretaker duties at the Recreation Complex beginning April 22, 1996, at the rate of \$6.00 per hour.

Commissioner Wilson noted that Rawlin Daniel's health will not permit full-time employment. Therefore, his status has dropped to part-time. Therefore, Michelle will pick up the balance of the time.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the two temporary positions as requested. Motion was approved by all members present.

E) Public Lands Director - Approval is requested to recruit for the new position of Public Lands Director. This will be a full-time career service position.

Motion was made by Commissioner Randy Johnson to approve the recruitment process for the Public Lands Director. He indicated Mrs. Snowball needs to get with Public Lands Council Chairperson, Tracy Jeffs in order to obtain the job description and qualifications. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #89775 through and including #89923 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
29A	Two remote mount radios - Ambulance	4,214.00	Approved
31	Motorola Visa portable radio - Sheriff	760.00	Approved
32	Two pagers and chargers - Ambulance	528.00	Approved

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the warrants for payment and requisitions for purchase. Motion was approved by all members present.



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(3)  
RECOGNITION OF NORM VUKSINICK, SR.

At this time, the Commission recognized the retirement of Norm Vuksinick, Sr., from the Emery County Sheriff's Department. They noted that Mr. Vuksinick began in law enforcement on February 14, 1966. Therefore, he has spent 30 years and two months in law enforcement. They expressed appreciation and thanks as well as congratulations for the service he has rendered over those many years to the citizens of Emery County. A plaque will be presented to him.

Motion to accept Mr. Vuksinick's retirement was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

(4)  
UTAH POWER AND LIGHT - PACIFICORP QUARTERLY UPDATE AND EMISSION CONTROL PROCEDURES

Tom Alexander, of the Price Office of Utah Power, gave a quarterly update to the Commission. Also present were Tracy Aiken, Plant Manager at the Hunter Plant; Ray Kirk, Environmental Engineer at the Hunter Plant; Kendall Yost, Environmental Engineer at the Huntington Plant; and Gene Marshall, Environmental Engineer at Pacificorp. He noted there are a lot of changes coming in the industry, particularly as a result of deregulation. He provided to the Commission the corporate policies. He discussed Pacificorp's expansion into other countries. Also, leasing plants in Kentucky and other States. He provided to those wishing, a 1995 financial statement. He indicated the sales and profit of the company. He again reminded the Commission that they have closed the Castle Dale Service office. They have moved those services to the Price office. They have extended their hours by phone from 7:00 a.m. to 7:00 p.m. In the future, they anticipate to go 24 hours per day and also provide customer service through the phone system. They are involved in moving poles and lines at their expense as part of the road widening projects of the Emery County Road Department and Emery County Special Service District #1 throughout the County. He then turned the time over to Ray Kirk.

Mr. Kirk began by noting that the Hunter Plant, as far as efficiency of operation in comparison to the nation, was previously 13th. They had moved up to 11th. It is now in the top five in the nation. He outlined his responsibilities in environmental management and emission control. He asked the Commission if they had any areas of concern.

Commissioner Randy Johnson indicated that the public concern is the pollution in the air, the yellowish-brown haze and those types of things that are visible to the public.

Mr. Kirk responded in that there are basically three types of emissions. There is the particulate, the SO2 and the NOX. As to the particulate

## Utah Power Update, cont. . . .

emissions, at the Hunter Plant they electrostatically precipitate. They then pass through a bag house. They remove approximately 99% of the particulate matter. They are governed by Federal Regulations. They are required to do so 24 hours per day. As to the SO<sub>2</sub>, it is generated by the sulfur in the coal. Wherein, they pass the exhaust through a shower of water and lime and make calcium sulfate. Wherein, it is 82% to 92% removed. As to NO<sub>x</sub>, a colorless gas, there are no scrubbers or means of removing it. But they have found through operator control and better mixing of the fuel and air, they are able to reduce it by 20%. Because of photochemical oxidations and absorption of certain colors of the spectrum of light it becomes visible as a yellow to yellowish-brown. They have greatly reduced that over previous years and they are below the federal guidelines. It was further emphasized that the emission control equipment operates 24 hours per day. They are monitored 24 hours per day by outside equipment. They do not at any time turn off any of the emission control equipment.

Tracy Aiken further emphasized that Pacificorp is committed to protecting the environment. They have a position of doing better than what State and Federal regulations require. The Commission was invited to view these facilities at any time.

The Commission expressed appreciation for those being in attendance. The information was most helpful in understanding the pollution control procedures at the plant.

(5)

U.S. FOREST SERVICE QUARTERLY UPDATE

Charlie Jankiewicz, Manti-LaSal Forest Supervisor, came before the Commission, giving them a quarterly update on activities on the Forest, particularly those in the Emery County area. He said some capital investment funds are available to fund a number of projects in the Joe's Valley area, widening and repairing camp spaces, parking, new toilets, tables and grills and developing large group pavilions. He credited Ira Hatch and Billy Dye for much of the effort to bring these projects about. He discussed the Americorp program in which three youth would have the opportunity to work on the Forest. They are recruiting applicants. They would possibly be back to the Commission and to make a drawing of the three names. He discussed the environmental analysis being done on Willow Lake, Potters Pond, Grassy and Pete's Hole. This will take the next several years to complete. This work is being proposed and is now awaiting funding.

Commissioner Bevan Wilson emphasized the need in the Huntington Canyon area to get a citizens advisory group together as part of the public education.

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(6)  
PUBLIC HEARING - SHERIFF SALARY INCREASE

The Commission recognized the time as 5:00 p.m. and opened the meeting for public comment on the proposed Emery County Sheriff salary increase. They invited Sheriff, Lamar Guymon to give his comments.

In regards to it, Sheriff Guymon indicated that he has employees within \$2,000 of his salary. He felt that they deserve the salary, but feels that he has considerably more responsibility and he needed and deserves the increase.

Commissioner Bevan Wilson spoke on behalf of the Sheriff. He discussed the Sheriff's duties, outlining the additional services he provides as far as fire protection, EMT service, television, communications and the dare program. He reviewed the number of responsibilities that he has taken upon himself. It has become a big job and there are many other things he is involved in that we do not see. It is a 24 hour a day job 365 days per year.

Commissioner Randy Johnson noted the number of rescues.

County Attorney, David Blackwell highly recommended Sheriff Guymon in his efforts in that he relies on his experience in criminal prosecution. He is an expert in knowing how to deal with people. It was noted that the Sheriff has been in law enforcement for 21 years. His 1995 salary was \$43,827.16. With the 3% provided to all elected officials in 1996, that salary was increased to \$45,141.98. Mr. Guymon would like his salary to be \$50,400. He has also recommended it be retroactive back to January 1, 1996.

The Commission asked if there were any other public comment. There being none, Commissioner Bevan Wilson closed the public hearing at 5:17 p.m. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

The regular Commission meeting was then reconvened.

(7)  
HERITAGE MANAGEMENT PRESENTATION - EMERY COUNTY NURSING HOME

Randy Kirton, Manager of Heritage Management, together with Lewis Garnett, Vice President of Operations, addressed the Commission. Doug Christensen, Regional Representative; Paul Jensen, Nursing Home Administrator; Norma Funk, Kathy Wright, Sandy Jensen, and Judy Baker, Nursing Home employees, were also present. Mr. Kirton indicated their 10 year management agreement with the County is coming to a head and it is time for renewal. He noted that in the previous agreement, the task in 1985 was to reduce the operating deficit which was at that time \$75,000. He further noted that the County has a deep and abiding concern and commitment for the elderly. Whereas, the national trend

Heritage Management, cont. . . .

over the last 10 years is that government has removed itself from the care of the elderly. He has a high regard for the citizens board (Emery County Nursing Home Board).

At this time, Mr. Garnett, presented an overall view of the State and National trends, as well as the State issues. He noted that the concern rather than the quality of care nationally is the issue of the dollar.

At the conclusion of the presentation, Mr. Kirton noted that there have been a number of informal meetings which have preceded this one. The Nursing Home Board has been polled. The employees have been before the Commission prior to this meeting. All of which have expressed favorable recommendation. He noted that a draft agreement has been presented and submitted to the County Attorney clarifying and changing certain items in the original agreement which were not functional and therefore, have asked for other considerations. Their attorney, Greg Bell, has prepared that noting they are the largest health care provider and would normally recommend that the commission take action to approve it.

Commissioner Bevan Wilson at this time indicated that in the absence of Commissioner Petersen, and also that County Attorney, David Blackwell has not had sufficient time to review the agreement, it was Commissioner Bevan Wilson's recommendation and motion that the matter be tabled in order to allow sufficient time to review. He noted this was an area of Commissioner Petersen's responsibility and would like his input. Therefore, motion was seconded by Commissioner Randy Johnson and approved by all members present.

The Commission indicated they would move on this matter as quickly as possible. Mr. Kirchner signed his portion of the agreements and left them with the Commission for later approval.

(8)

BLM QUARTERLY UPDATE

Penny Dunn, addressed the Commission noting that the BLM has survived the Easter Weekend. She noted in her fly over that she counted approximately 100 vehicles in the Buckhorn Wash area. There were minor infractions. They cited seven parties. Her concern was the number of children on ATV's without helmets. She further noted that last week also received a large number of people. She further discussed the marginal level of water having been received. Livestock will be moved off the BLM lands April 15. As to the Cleveland/Lloyd Dinosaur Quarry, she indicated that they have been given just enough money to fund this year's operation. She also discussed Carbon and Emery County's creating a committee and looking at funding to keep the Quarry open. She noted that in future years it will probably be jeopardized or it

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BLM Update, cont. . . .

will be at the last minute before funding will be known. Now through Memorial Day, it is open on the weekends. After that it will be open all summer until Labor Day.

EIS, on gas exploration, is close to draft. There will be a public review and a 30 day comment period. It will have repercussions on the Methane Coal beds in Emery County. They will also be working with the Emery County Road Department and National Guard clean up the dump east of Castle Dale. Rex Funk was to prepare an action plan. It was recommended and agreed to by all that the BLM would meet with Commissioners Kent Petersen and Bevan Wilson and Road Superintendent, Rex Funk to discuss the overall plan and review the project as to who is going to do what or the role of each.

(9)

CITIZENS CONCERNS

County Attorney, David Blackwell noted that Calvin Bennett of Orangeville has contacted his office indicating he is interested in purchasing a piece of County property located in Clawson. It constitutes approximately one acre. Assessor, James Fauver has set a value of \$1,000. It was questioned whether this was too high in light of the type of property it is.

Whereupon, after further discussion, motion was made by Commissioner Randy Johnson to authorize the attorney's office to proceed according to the disposal policy in disposing of the property. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

ROSANN FILLMORE - GRANT REQUEST FOR BRIDGE REPAIRS

Economic Development Director, Rosann Fillmore began by discussing with the Commission the recently held Home and Garden Show. She noted it was a great success. It was well attended. There were approximately 20 vendors and a number of volunteers. It was very worthwhile. Her purpose in coming before the Commission at this time is to advise the Commission that Utah State University is doing a study of a trail system on the Cottonwood Creek area. There will be two possible routes. Castle Dale City is covering the direct costs of the group. They will produce the completed study. They would then like to apply to the State River Enhancement Project for funding. Wherein, Emery County would be required to be the applicant. The County would provide work as their matching portion. The County would be required to maintain once in place. Her request would be for funding to replace the decking on the bridge as it represents a liability in its present condition. Discussed were concerns over maintenance in the future. It was pointed out by the Commission the number of people indicating support in the County keeping and maintaining the bridge.

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Rosann Fillmore, cont. . . .

Therefore, motion was made by Commissioner Randy Johnson to support the project by making the County the applicant for the grant and approve the request. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

RATIFY AWARDING OF THE OLD STATE BRIDGE STABILIZATION PROJECT

This matter having been on the previous Commission meeting agenda, wherein bids were received and opened. Minchey Digging was the apparent low bidder. It was approved pending approval of the engineers. The Engineers have conferred with the contractor who feels they can do the project at that cost. Therefore, they have recommended that the Commission proceed in awarding the contract to Minchey Digging.

Whereupon, motion was made by Commissioner Randy Johnson to approve and ratify the awarding of the contract to Minchey Digging on the Old State Bridge Stabilization Project. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

PLANNING COMMISSION APPOINTMENT

At this time, the Commission indicated they received a letter from the Emery County Planning Commission Chairman Mac Huntington. He noted the resignation of Tracy Jeffs. Mr. Huntington has recommended Merrill Duncan be appointed to fulfill the remaining term of Mr. Jeffs. He further indicated he is from the unincorporated portion of the County as well as a representative from the Ferron area which they have not had previously.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the appointment of Merrill Duncan to the Emery County Planning Commission as requested. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

APPOINTMENT OF REGISTRATION AGENTS AND JUDGES OF ELECTIONS, TRAINING AND REIMBURSEMENT

Clerk, Bruce Funk presented to the Commission for their review the Registration Agents and Judges of Election. He further outlined the difficulty in getting Judges of Election. Some names were not submitted by the parties from the Caucus meetings. A considerable amount of time has been spent to balance the parties as outlined in the code. He also informed the Commission that these should have been provided to the Clerk's office by April 1 and many have not yet been received. Therefore, the law after that time

Judges of Election, cont. . . .

allows the Clerk's office to fill the vacancies as needed. The names are as follows:

JUDGES OF ELECTION - 1996

#1 EMERY TOWN:  D

Margaret Mangum	286-2280	Bonnie Graham	286-2457
Donald Riddle	286-	Jane Manchester	286-2393
Deanna Sundstrom	286-	Denise Childs (alt.)	286-2283
Delsie Staley	286-	Dorothy Pulley (alt)	

#2 FERRON SOUTH:  R

Marie VanderHerp	384-	Evelyn Huntsman	384-2354
Laurie Pitchforth	384-	Barbara McKell	384-2923
Vickie Anderson (alt)		Joan Anderson	384-2432
Julie Duncan	384-2706	Sam Singleton (alt.)	384-2642

#3 FERRON NORTH:  R

Bertha Blackburn	384-2786	Nellie Smith	384-2387
Paula Lucas	384-3282	Diane J. Barney	384-2779
Ruth Kemple	384-2437	H. Dorothy Taylor	384-3375
Colleen Larsen (alt.)	384-2999		

#4 CLAWSON:  R

Barbara Justice	384-3371	Ted Ann Funk	384-2920
Jamie Higbee (alt.)	384-2297		

#5 ORANGEVILLE:  R

Julie Watson	748-2991	Sandra Oman	748-2968
GeriLyn Reed	748-2097	Jennifer Fauver	748-5559
JoAnn Arnold	748-2583	Delores Curtis (alt.)	748-2232

#6 CASTLE DALE WEST:  D

Elaine Beard	381-5476	Susan Dorsch	381-5153
Deon Martin (alt.)	381-5249		

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Judges of Election, cont. . . .

#7 CASTLE DALE EAST:  R

Jewel E. Roundy	381-5154	Phil Fauver	381-2442
Marianne Day	381-	Eileen Lofthouse	381-2769
Trina Branson	381-5159		

#8 HUNTINGTON EAST:  D

Gaylene Larsen	687-9304	Deborah Richards	687-2590
FloAnn Wilson	687-2566	Loyette Myerhoff	687-5384
Francy Handley	687-2614	Velma Gardner	687-2289
Corinne Wilson(alt)	687-9410		

#9 HUNTINGTON WEST:  D

JoAnn Shannon	687-9114	Lesa Miller	687-9497
Michelle Anderson	687-9445	Sabrina Ungerman	687-2642
Joyce Howard	687-9054	Karla Powell	687-2584
Ione Pruitt (alt)	687-9325		

#10 CLEVELAND:  D

Cynthia Oveson	653-2990	Catherine Casutt	653-
Valerie Rasmussen (alt)	653-		

#11 ELMO:  D

Lucille Willson	653-2619	Eva Lou Tucker	653-2508
Erma Lou Jones	653-2292	Bertha Jones	653-2636
Yvonne Sharon Oliver (alt)	653-2567		

#12 GREEN RIVER:  R

Chris Richards	564-	Vicki Bayles	564-3244
Sheri Vetere	564-8227	Clell Duncan	564-8292
Rea Dawn Rowley	564-3387		

REGISTRATION AGENTS - 1996

#1 EMERY TOWN

Marian Mangum  
Emery, UT 84522

#7 CASTLE DALE EAST

Emma Huntington  
55 E. 200 No.  
P. O. Box 705  
Castle Dale, UT 84513  
381-2392



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Registration Agents, cont. . . .

#2 FERRON SOUTH	#8 HUNTINGTON EAST
Kathy Singleton 70 South State P. O. Box 757 Ferron, UT 84523 384-3379	Jane Jensen 58 So. 200 E. P. O. Box 334 Huntington, UT 84528 687-2459
#3 FERRON NORTH	#9 HUNTINGTON WEST
Camille Barney 210 N. 100 W. P. O. Box 683 Ferron, UT 84523 384-2667	JoAnn Shannon 261 No. 300 W. P. O. Box 720 Huntington, UT 84528 687-9114
#4 CLAWSON	#10 CLEVELAND
Ted Ann Funk P. O. Box 66 Clawson, UT 84516 384-2920	Annette Wells 870 W. 100 No. P. O. Box 159 Cleveland, UT 84518 653-2256
#5 ORANGEVILLE	#11 ELMO
Glenna Sasser 165 E. 300 So. P. O. Box 475 Orangeville, UT 84537 748-2626	Lucille Willson 10 E. Main P. O. Box 206 Elmo, UT 84521 653-2619
#6 CASTLE DALE WEST	#12 GREEN RIVER
(No name submitted)	LuRey Vetere P. O. Box 404 392 No. Long Green River, UT 84525 564-8115

He also discussed the pending session of the legislature. The terms of appointment of Registration Agents at this time is for an indeterminant period. He also asked for approval to provide training, refreshments and mileage to those attending the training sessions. Also that Judges of Election be paid at \$50 per day and Registration Agents at \$20 per day plus \$10 per day for the use of their home. He also advised them that the laws now allow for combining voter precincts for the primary election.

After review and discussion, motion was made by Commissioner Randy Johnson to approve the Registration Agents and Judges of Election and also approve rates

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Judges of Election, cont. . . .

of pay as well as the training expenses as discussed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

APPOINTMENT OF NOMINEE TO RIVER ENHANCEMENT BOARD

Motion was made by Commissioner Randy Johnson to table this item until Commission Chairman Kent Petersen is present. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

DISCUSSION OF APPOINTMENT OF REPRESENTATIVE FROM EMERY COUNTY FOR SELECTIVE SERVICE BOARD

Motion was made by Commissioner Randy Johnson to table this item until Commission Chairman Kent Petersen is present. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

PROPERTY TAX EXTENSIONS

Treasurer, JoAnn Behling presented the following requests for property tax extensions: Mary B. Grange in the amount of \$298.64; Ron and Elora Prettyman in the amount of \$459.78; Gerald and Mary Horrocks in the amount of \$424.70. She further discussed that some have paid half and others will be able to complete payment by either the first or end of May. This is in line with what has been done in the past.

Whereupon, motion was made by Commissioner Bevan Wilson to approve the property tax extensions as requested. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(Mary Grange paid in full April 18, 1996. Gerald and Mary Horrocks paid in full April 19, 1996.)

(17)

BEAR CANYON CAMPGROUND MAINTENANCE CONTRACT

Bids having been received in the April 2, 1996, Commission meeting with the apparent low bidder being T-K Grounds Maintenance. County Attorney, David Blackwell indicated he has worked through the agreement, clarifying those areas of concern as a result of last year and it is ready for approval.

Whereupon, after further discussion, motion was made by Commissioner Bevan Wilson to proceed and award the contract. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

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(18)

DISCUSSION OF COURTHOUSE COMPUTER SYSTEM

Assessor, James Fauver having previously supplied to the Commission and other elected officials and department heads the projected 3-1/2 year costs in going to a new proposed computer program. He noted that the present system used for Assessing and Collecting in the Recorder's, Assessor's and Treasurer's offices is outdated and not feasible to maintain. Those elected officials would like to go with CIS.

Commissioner Bevan Wilson noted that in view of Commission Chairman Kent Petersen's absence, he would like to table the action at this time and set up a meeting with the elected officials and department heads. This would be done in an effort to work out the final details in regards to personnel, maintenance, PMSI system cancellation costs and record transfer. He asked that it be discussed further including having the personnel involved. Therefore, he would table this action at this time.

Commissioner Randy Johnson expressed appreciation to the research and is anxious to proceed as soon as possible. He would recommend proceeding, however, at this time in the absence of Commission Chairman Kent Petersen he would second Commissioner Wilson's motion, indicating they would proceed as soon as Commissioner Petersen is available. Motion to table was approved by all present.

(19)

APPOINTMENT TO THE EMERY COUNTY WATER CONSERVANCY DISTRICT

By letter to the Commission, the Emery County Water Conservancy District has three board members whose terms will expire on April 4, 1996, as follows: Hal Guymon from the Huntington Cleveland area; Jack Curtis from the Cottonwood Creek area; and Tracy Behling from the Ferron area. These three individuals have served the Emery Water Conservancy District very well in the past and have indicated that they would like to continue to serve as board members.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to reappoint Hal Guymon, Jack Curtis and Tracy Behling to the Emery Water Conservancy District Board as requested. Motion was approved by all members present.

(20)

APPROVAL OF COMMISSION MEETING MINUTES

The minutes of the April 2, 1996, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

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(21)

SHERIFF'S BUSINESS


Sheriff, Lamar Guymon informed the Commission that he received a check as a result of the County auction recently held. After auction fees were taken out, they have sent to Emery County the amount of \$44,501. He asked that part be placed in drug forfeiture and the balance in the general fund. The portion he felt going into drug forfeiture would be from seized vehicles. The Commission acknowledged receipt of the money. (It was noted in the May 1, 1996, Commission meeting that \$15,950 would be the amount going into drug forfeiture for monies received from the auction of the seized vehicles. \$28,551.58 as a result of the auction would go into the County general fund.)

(22)

MEETING ADJOURNMENT

Motion was made by Commissioner Randy Johnson to adjourn the meeting at 6:45 p.m. Motion was seconded by Commissioner Bevan Wilson 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 1, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 9:00 a.m.

(1)

RATIFICATION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF LAND MANAGEMENT AND EMERY COUNTY

Commission Chairman Kent Petersen provided introduction to the Memorandum of Understanding between the Bureau of Land Management and Emery County. Commissioner Petersen recognized this is a result of the efforts of the Public Lands Council over several months. Basically therein the BLM will consider Emery County a partner in their planning process. Emery County will be involved in the planning at the beginning rather than at the end. Emery County also would consult with the BLM on developments that may impact them.

Commissioner Randy Johnson noted that this is a significant step in putting Emery County into the decision making circle. Therefore, it is his motion to approve the Memorandum of Understanding as presented.

Craig Johansen noted that since the Wilderness Bill has had an initial set back in Washington, DC, this will put Emery County in a better position in the future. It was further noted that this was of great precedence and of great importance and that the Commission needs to be congratulated in getting into this position. Again, the Public Lands Council was recognized.

Commissioner Bevan Wilson also pointed out that agreements are also being worked with the U.S. Forest Service and State Lands. Therefore, Emery County would be greater involved with all public land agencies in the future.

Whereupon, there being no other comments, Commissioner Bevan Wilson seconded the motion. Motion was approved by all members present.

(2)

RATIFICATION OF PAVEMENT BIDS FOR HUNTINGTON LIBRARY

Craig Johansen, of Johansen Tuttle Engineering, presented to the Commission the abstract of bids received for paving the parking lot at the Huntington Library. He noted that these were opened April 30, 1996, with the Emery County Library Board. Low bid was from Henry Construction in the amount of \$4,077.50; second lowest bid was from Valley Asphalt in the amount of \$6,049.50; and the highest bid was from Nielson Construction in the amount of

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May 1, 1996

Huntington Library Pavement Bids, cont. . . .

\$9,897. The engineer's estimated was \$8,000. It was the engineer's recommendation that the bid be awarded to Henry Construction.

Whereupon, motion was made by Commissioner Randy Johnson to recognize Henry Construction as the apparent low bidder, accept the bid, sign the notice of award and requested that he be authorized to sign any additional paperwork in order to expedite the project. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

USED OIL STATION AT LANDFILL

Road Superintendent, Rex Funk noted that the landfill is involved in collecting used oil. This question of Emery County's efforts has again been asked by the State Agencies involved. He doesn't know where to go from here. They have an oil burner at the shop. There is a facility at the landfill for collecting used oil from the public. There are a number of locations throughout the County in various businesses who are actively collecting oil.

Commissioner Bevan Wilson noted that this information has come through the Commission office and it was put on the agenda in an effort to note that the County is actively involved in disposing of used oil. Possibly Mr. Funk should put an article in the newspaper to make the public aware.

(4)

CHANGE IN COURTHOUSE COMPUTER SYSTEM FROM PMSI TO CIS

Assessor, James Fauver discussed with the Commission (having been on previous commission meeting agendas) of the need to change computer system and software used primarily in the Assessor's, Recorder's and Treasurer's offices from the Progressive Management Systems, Inc., to the County Information System. He reviewed the proposal, noting that the elected officials are in support of this. They want to proceed. It is in the right direction and is cost effective. Network administration of it was discussed by Willie Frisbee who was also in attendance. Questions were raised as to system administration and to whether existing staff would serve as coordinators. They asked further comments from Mr. Frisbee who indicated that the County will need someone who does know the software intimately. The software from various vendors requires special networking.

Commission Chairman Kent Petersen inquired as to what the impact would be on the present network. Mr. Frisbee responded that it will become more critical. Discussed was network support costs and he would prepare those for the Commission.

Courthouse Computer, cont. . . .

Commissioner Bevan Wilson inquired as to the need to look at the duties of the existing coordinators, Alice Ann Synder and Lee Rasmussen, and what their positions would be.

Commissioner Randy Johnson noted the concern and issues. However, he felt that it has been thoroughly looked at by the elected officials. They have recommended that the County proceed. Therefore, it would be his motion and recommendation that the County proceed with the acquiring of the CIS system, needed software and that the other concerns be addressed in the interim.

Commission Chairman Kent Petersen inquired if the first step was to notify PMSI of the cancellation, there being a three-month notice required. The time necessary to get CIS on line at a minimum the County is looking at three months.

County Attorney, David Blackwell reviewed with them as well as Mr. Fauver that in the agreement to purchase the software that Cache County and CIS would hold Emery County harmless in their pending lawsuit. Concurred was the need for a commitment from Omni-Computers for maintenance of the network. Upon this, Commissioner Bevan Wilson seconded the motion provided the committee comes back with the rest of the story in working out other areas of concern and the sequence, implementation and responsibilities. Therefore, the committee will again work with Commission Chairman Kent Petersen. Included in there would be support from Omni Computers, equipment details and computer personnel.

Auditor, Ross Huntington noted that independent auditors have approved the purchase of additional computers under the previous bid, provided that it meets the specs or better and is at the same cost or less. Also to be included is the Green River Justice Court.

(5)

APPOINTMENT OF BOARD MEMBER TO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT

Commission Chairman Kent Petersen reviewed the letter received from Mayor Raymond Martinez of Huntington. Wherein, they have recommended the appointment of Ross Gordon to replace Harry Halton as Huntington's representative on the County Recreation Board. Motion to approve the appointment of Mr. Gordon as recommended was made by Commissioner Bevan Wilson, seconded by Commissioner Randy Johnson and approved by all members present.

(6)

DISCUSSION OF EMERY COUNTY SEARCH AND RESCUE COMMUNICATION EQUIPMENT

Commissioner Randy Johnson discussed meetings he has had with Sheriff, Lamar Guymon and the need to upgrade the Jeep Possee and other County law enforcement communication equipment. This in light of the recent rescue. The Sheriff would like to purchase 30 pack sets. These are hand-held radios. The approximate cost is \$800 to \$1,000 each. He also noted that Green River has approximately 10 new members. There is no coverage from member to member outside their vehicle. He discussed that in the 1996 budget, approximately \$20,000 had been set aside for hand-held radios. It was the consensus of the Commission that the rest of the funds could be used from receipts of the County auction as allocated back to the Sheriff's department as drug forfeiture monies. Therefore, these items being in the budget, no action was taken at this time. (It was noted that \$15,950.00 was collected from the recent auction in drug forfeitures.)

(7)

DISPOSING OF CONCESSION STAND

Economic Development Director, Rosann Fillmore noted she has received bids for the concession stand presently located at the Huntington Lake State Park. She received a bid from Collette Van Wagoner in the amount of \$525; Lynn Sitterud in the amount of \$555; Ira Hatch in the amount of \$853.65; there was a previous bid from the Orangeville Little League in the amount of \$1,000 over two years. However, at this time, the Commission recognized that Sheriff Guymon had also previously requested use of the concession stand for a storage facility. In light of the amount the County had spent on construction of it, motion was made by Commissioner Randy Johnson to turn the concession stand over to the Sheriff's department for their use. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

RATIFY APPOINTMENTS OF NOMINEES TO RIVER ENHANCEMENT BOARD

Commission Chairman Kent Petersen noted that they had received requests last week and that there was no time to wait until the next Commission meeting for final approval. Therefore, they have submitted two names for appointment to the River Enhancement Board. The names were Ben Coomer of Green River and Roger Warner, Mayor of Castle Dale.

Whereupon, motion was made by Commissioner Bevan Wilson to ratify the nominations as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.



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(9)

CONSIDERATION AND APPROVAL OF AMENDMENT #1 TO THE INTERLOCAL COOPERATION AND CONTRACT AGREEMENT BETWEEN EMERY COUNTY AND SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, SOUTHEASTERN UTAH AREA AGENCY ON AGING FOR FY 96 FUNDING OF AGING PROGRAM IN EMERY COUNTY

Maughan Guymon, from the Southeastern Utah Area Agency on Aging, presented Amendment #1 to the Interlocal Cooperation Contract Agreement to the Commission for their consideration. The request was to amend the agreement in the amount of \$4,450 to reflect additional federal dollars received into the nutrition budget. Motion to approve the Agreement was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

CITIZEN CONCERNS

There were none.

(11)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Superintendent, Rex Funk reviewed the Road School he had attended and would be providing additional information to the Commission. He discussed the tarping law which goes into effect in 1997. The law being if debris is above the hopper, it must be covered. He advised the Commission that he would like to proceed in obtaining proposals on a crack sealer. There is no way to spec out those items required, but would request the Commission to look over each of the proposals and make a decision. He will try to have that to the Commission by their next Commission meeting. He discussed his meetings on recycling. That in rural areas, there is basically little market for many of the products. It is recommended that they educate the people and look to reducing the amount of materials going into landfills. Rex indicated he will work further on this matter.

The Commission noted that they had received complaints that the County was interfering with the private sector picking up the steel while doing city clean-ups. Mr. Funk noted that the County Road Department is only assisting the communities and is working under their direction. If he was to do anything different, the cities or the Commission would have to provide that direction.

He discussed the mud slide in Joe's Valley and the need for monitoring.

(12)  
EMERY COUNTY RS2477 ROAD POLICY

Road Superintendent, Rex Funk read the letter provided to the Commission from himself and also the draft Resolution provided by the Attorney's office. Mr. Funk indicated that the County has never had a policy or ordinance on how we handle this issue. He has reviewed the draft prepared by the Attorney's office. He feels it does meet the needs. However, County Attorney, David Blackwell indicated he would like the opportunity to go through and review that prior to the next Commission meeting. The Commission could consider it at that time.

(13)  
AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #90148 through and including #90316 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
33	Cover Master CMI, alum base roof, honey comb roof, painted finish 72" window - Sheriff	825.00	Approved
34	Five base stations, mobile radios, test phones, antennas and software - Communications	33,465.00	Approved
35	County Information System hardware and software - Data Processing	50,500.00	Approved

The following disposition of fixed asset forms were presented for Commission consideration:

- Executive Chair, fixed asset #3378, from the Commission office - To be junked
- Computer and Monitor, fixed asset #5359, serial #099001836 and R323CPFAC and HSD211729, from the Attorney's office - To be transferred to the Travel Council Bureau

Motion was made by Commissioner Randy Johnson to authorize the purchase of County Vehicles as soon as sufficient bids have been received and authorize Commission Chairman Kent Petersen to sign any paper work in order to expedite the purchase. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Auditor's business, cont. . . .

Whereupon, motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the warrants for payment, requisitions for purchase and disposition forms. Motion was approved by all members present.

(14)

COMMISSION MINUTES

The minutes of the April 16, 1996, Commission meeting were reviewed and corrected. Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

(15)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Road Department - Approval was requested to ratify the hiring of two Operator II's to fill two temporary up to nine month positions. The individuals are Ed Walls who started 4-15-96 and Eugene Winder who started 4-1-96. The wage is \$9.44 per hour.

B) County-wide Maintenance Technician - Approval is requested to hire Lance Farmer in the temporary up to nine month capacity starting 4-26-96. Mr. Farmer will be working under the same arrangements as he was while working in the temporary 90 day capacity.

Motion was made by Commissioner Randy Johnson to approve the hiring of Ed Walls and Eugene Winder in the Road Department and Lance Farmer as the County-wide Maintenance Technician as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

LEGISLATURE CREATION OF TWO POSITIONS ON TRANSPORTATION BOARD

Commissioner Bevan Wilson indicated he has received a resume from Craig Johansen and would like to submit that with Commission recommendation to Mike Dmitrich and other appropriate officials including the Governor's office for consideration on that Board. Motion was made by Commissioner Bevan Wilson to submit the name of Craig Johansen as discussed. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

May 1, 1996

(17)

REPAIRS AT BEAR CANYON CAMPGROUND

Commissioner Bevan Wilson noted he has received by memorandum notice of some roof and other repairs needed due to wind damage at the Pavilion restrooms at the Bear Canyon Campground. He would like to have Lance Farmer make those necessary repairs at this time. Motion to approve and proceed was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson. Motion was approved by all members present.

(18)

UTAH SUPREME COURT DECISION ON THE APPEAL OF UTAH POWER AND LIGHT'S 1992 VALUATION

Assessor, James Fauver, by letter and also in previous meetings, reviewed with the Commission the decision of the Utah Supreme Court on the appeal of Utah Power and Light's 1992 valuation. He pointed out that Emery County lost on all points. He prepared the numbers for refund to each of the taxing entities based on the values supplied to him by the Tax Commission. Also included with that was a letter from Bill Peters dated April 26, 1996, to the Emery County Commission further outlining the legal issues. The valuation difference was a decrease in the value of Utah Power in their 1992 assessment was \$64,077,600.

Mr. Fauver pointed out that the Commission needs to meet together with all of the other Emery County taxing entities involved and decide what they should do with the cases that are still pending for 1993, 1994 and 1995 and is willing to set up that meeting.

The total cost to the County, in the areas of general operation, flood control, assessing and collecting and the library with interest could be approximately \$300,000. The total loss to the Castle Valley Special Service District, Water Conservancy and the communities amounts to an additional \$150,287.

(19)

WILDERNESS ARTICLE IN SALT LAKE TRIBUNE

Clerk, Bruce Funk requested permission of the Commission to note in the minutes the article published on the front page of the Salt Lake Tribune on April 29, 1996, in regards to the Wilderness Issue. The article is very well done in reflecting some of Emery County's concerns and the purpose to insert this note in the minutes would be for future reference and research. The Commission concurred in this request.

(20)

REGISTRATION AGENTS-SATELLITE REGISTRARS

Clerk, Bruce C. Funk advised the Commission of the passage of House Bill 1002 in the Special Session dealing with Satellite registration. Basically the bill does away with the registration agents as presently known. It requires that a satellite registrar be provided for every 25,000 people. He recommended that four sites be considered: Castle Dale, Ferron, Huntington and Green River. He requested these be located in homes that are handicapped accessible, preferably main street locations. After further discussion, it was the consensus of the Commission and direction that Mr. Funk contact the cities, possibly using their clerk's in those communities as satellite registrars and that the County would fund the extended hours, those hours being from 8:00 a.m. to 8:00 p.m. Mr. Funk is to bring those recommendations back to the Commission for approval at the May 15, 1996, Commission meeting. Also included in the bill was changes in absent voter eligibility.

(21)

COMMISSION REPORTS

Commission Chairman Kent Petersen:

1. He discussed his recent visit to Utah State University and discussions with the students of the Department of Natural Resources. Wherein, they discussed Wilderness and its impact. They talked about the problems. It was felt that it was a very favorable and productive meeting.

(22)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 5:27 p.m. was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson 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, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Kent Petersen at 4:00 p.m.

(1)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following items for Commission consideration:

A) Merit Increases - The following requests are made for merit increases:

Dorothy Taylor, Branch Librarian, hire date 4-22-82  
Geraldine Mortensen, Branch Librarian, hire date 5-1-84  
Sharon Wickman, Justice Court Clerk II, hire date 4-25-94

Motion was made by Commissioner Randy Johnson to approve the requested merit increases indicating these have been recommended by the Department heads. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

B) RSVP - Request for approval to recruit for an RSVP Coordinator in Moab at a rate of \$6.00. This will be a part time (less than 20 hours per week), temporary (up to 9 months). Commissioner Bevan Wilson indicated this has been reviewed with Grand County. It was further noted that upon conclusion of the 9 month temporary period, there will have been provided sufficient time to resolve his concerns.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the hiring of a temporary part time RSVP Coordinator in Moab. Motion was approved by all members present.

C) Weed & Mosquito Department - Approval is requested to approve the appointment of two temporary Weed and Mosquito Department Workers in the temporary up to 90 day capacity beginning May 28, 1996, at the rate of \$8.25 per hour. These individuals are Dennis Dooley and Jerel Lofley.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the temporary workers in the Weed and Mosquito Department as requested. Motion was approved by all members present.

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(2)  
AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #90528 through and including #90689 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
36	Printer, cable and ink cartridges - Data Processing	975.62	Approved
37	Two Tempstar air conditioners - Nursing Home	7,295.00	Approved
39	Drilling and plumbing expenses for kitchen - Nursing Home	3,000.00	Approved

The following disposition of fixed asset form was presented for Commission consideration:

Fixed asset #6230, Vacuum in the Weed & Mosquito Department, traded

Motion was made by Commissioner Bevan Wilson to approve the warrants for payments, requisitions for purchase and dispositions as presented. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)  
DIVISION OF WILDLIFE RESOURCES QUARTERLY UPDATE

There being no one in attendance from the Division of Wildlife Resources, this will be delayed until a later date at the request of the Division of Wildlife Resources.

(4)  
BERT AND RUTH COWLISHAW - REQUEST FOR VARIANCE

Montell Seely, speaking on behalf of Bert and Ruth Cowlshaw, who were also present, reviewed with the Commission the situation with the Cowlshaw's wherein they request a variance in order to build a garage. They presently live on Cottonview in the Stilson Subdivision in Orangeville, lot #40. They also own 2-3/4 acres of adjoining property in the County. County Ordinances would require the garage to be located 10 feet from the property line which is the County line in order to be in compliance with the required set-backs on both properties. It was, therefore, their request that a variance or exception be made. Discussed was that the best solution would be annexation by Orangeville of the necessary

Cowlishaw's, cont. . . .

property in the County and that the Commission would direct the Attorney's office to assist in any such annexation. Deputy County Attorney, Allen Thorpe read the County Ordinance as it relates to variances.

Commission Chairman Kent Petersen felt this was a special circumstance. However, Mr. Thorpe noted that such exceptions could create precedence. Again, it was the consensus and direction of the Commission that the Cowlishaw's first and best option would be to get annexed into Orangeville town and the County Commission directed the County Attorney's office to prepare necessary property descriptions in assisting the parties. Planning and Zoning Director, Bryant Anderson reviewed problems and the need for engineering data and that the Cowlishaw's have proposed to build a garage out of doors they have accumulated. Mr. Anderson further pointed out that he felt he could not comply with the Cowlishaw's request for an exception to the Ordinance as it is presently written and would request a legal opinion.

It was later pointed out that this type of matter needs to be brought out before a Board of Adjustments. Therefore, the Commission directed Mr. Anderson to look into getting such a board set up as outlined in the Planning and Zoning Ordinances. (See item 5 a) and 8.)

(5)

BLAIR EASTMAN - REQUEST TO PURCHASE COUNTY OWNED PROPERTY

Leslie Bolinder, speaking in behalf of Blair Eastman, noted that Mr. Eastman has contacted the Commission office and would like to purchase County property in Green River. This property has been appraised at \$2,000. There is a need to advertise and notify the adjacent land owners. This same piece of property had been noticed up in 1994, but had not sold.

Whereupon, motion was made by Commissioner Randy Johnson to begin the process to dispose of the property in accordance with the County Procurement and Disposal Ordinance. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.



(6)

CITIZEN CONCERNS

A) Treasurer, JoAnn Behling informed the Commission that the County needs to provide the opportunity for people to go before a Board of Adjustments such as in the case of the Cowlshaw's. This could have been handled through such a Board. She discussed her experience as a member on the Ferron Board of Adjustments, noting that they can grant variances.

B) Auditor, Ross Huntington informed the Commission of the May Tax Sale to take place on May 23, 1996, at 10:00 a.m. There are three properties: 37 acres near Woodside, a Green River property and the Professional Building located in Castle Dale. He advised the Commission that possibly Castle Dale City is condemning the Professional Building and reviewed those problems. He noted that the County could end up with that property and the associated problems.

County Attorney, David Blackwell indicated the other option on the Professional Building would be to abate the taxes. However, after further discussion, it was the consensus of the Commission to proceed and should the County acquire it, then they would look into the demolition. However, it was felt that prospective bidders needed to know of the asbestos and condemnation concerns.

C) Lane Justice, Maintenance Supervisor at the Emery County Nursing Home, expressed appreciation to the Commission for the exhaust fans which they approved. However, he expressed concern that the proposed purchase of a lawn mower should be offered to more than one vendor. There is a need to write specifications. However, the Commission pointed out that the mower had not been approved by the Nursing Home Board and the nursing home would be requested to get additional bids. Mr. Justice also expressed concern, noting that the facility was a County facility and the money spent in remodeling and the new addition is County monies. He felt that since it is a County-owned facility, it would be his recommendation to have a local manager.

Commission Chairman Kent Petersen noted that the County does own it and will continue to own the facility. However, management of the facility is under negotiation and no final decision has been made.

(7)

PLANNING COMMISSION - EMERY RECYCLING - PUBLIC HEARING ON LARGE SCALE SITE PLAN

Planning and Zoning Director, Bryant Anderson informed the Commission that the Planning Commission has reviewed the request of Emery Recycling for a gasification plant. They have recommended rezoning of an 80 acre parcel to I-1 and approval of a large scale site plan. Both of these would require public hearings with a fourteen day notice. He suggested June 5, 1996, for the first public hearing at 10:00 a.m. and the second one to follow at 10:15 a.m.

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Commission Minutes  
May 15, 1996

Emery Recycling, cont. . . .

Whereupon, motion was made by Commissioner Randy Johnson to set the public hearing on these two matters for June 5 at 10:00 and 10:15 as requested and have Leslie Bolinder together with the County Attorney's office and Bryant Anderson prepare the notices. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

SHERIFF'S SALARY INCREASE

The Commission recognized that a public hearing was previously held in regards to the Sheriff's salary increase. He has requested an additional 12% over his present salary. It was further noted that no comments in opposition to that increase were received at the public hearing. Noted was the support for the Sheriff.

Commission Chairman Kent Petersen reviewed previous discussions and the need to review the salaries for all elected officials, department heads and employees by a consultant or committee. At this time motion was made by Commissioner Randy Johnson, upon the concurrence of the Commission to give the Sheriff a 10% increase, effective June 1, 1996. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

TCI CABLEVISION FRANCHISE RENEWAL

This matter having been placed on the agenda by the Clerk's office, with copies having been submitted to the Attorney's office for review. It was pointed out that TCI has very few subscribers within the County. Most subscribers are within the municipalities. Assessor, James Fauver requested that the County require that TCI provide on January 1 of each year a list of the number of subscribers by each district in the County. After further discussion, it was the consensus of the Commission to allow the County Clerk to review this matter further with Mr. Steve Proffer of TCI.

Motion was made by Commissioner Randy Johnson to table this matter for further discussion. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

BOARD OF ADJUSTMENTS

At this time, the Commission directed Planning and Zoning Director, Bryant Anderson to activate or reorganize the Board of Adjustments as quickly as possible not only to handle the Cowlshaw matter, but any future matters. Motion was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

SATELLITE REGISTRARS

Clerk, Bruce Funk presented the following Satellite Registrars: Colleen Tennant registering persons at the Ferron City Hall; Colleen Bott, registering persons at the Emery County Courthouse; JoAnn Shannon, registering persons at the Huntington City Hall; and Connie Copenhaver, registering persons at Green River City Hall.

Motion was made by Commissioner Randy Johnson and seconded by Commissioner Bevan Wilson to approve the Satellite Registrars as presented and payment to the registrars of \$50 per day with the exception of Connie Copenhaver who is a Green River City employee who will be performing her City duties as well as acting as registrar, that she be paid \$20 per day for the extended hours. Motion was approved by all members present.

(12)

DISCUSSION OF CANYON COUNTRY MINIMUM IMPACT AND SAFETY RECREATIONAL PRACTICES

This matter having been submitted previously to Commission Chairman Kent Petersen, motion was made by Commissioner Bevan Wilson to ratify the signing by Commissioner Petersen. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

DISCUSSION OF THE CONDOR AGREEMENT WITH FISH AND WILDLIFE SERVICES

Commission Chairman Kent Petersen noted that the Southeastern Utah Association of Governments Director Bill Howell has been working on this. He further discussed the Fish and Wildlife study in which they will be located in the Ruby Cliffs in Arizona. However, the birds could range as far as 150 miles in all directions. This could take them beyond the I-70 and I-15 borders. Discussed was that it is experimental and there is no language in the documents of it being an endangered species and whether the County in signing would hold the Fish and Wildlife liable for the bird. There being a number of unanswered questions, it was the consensus of the Commission to table this until the next Commission meeting.

(14)

CONSIDERATION OF JUDGMENT LEVY ON THE 1992 PACIFICORP SETTLEMENT

This matter having been previously discussed in the May 1, 1996, Commission meeting minutes, item #18, the County discussed the option of a judgment levy. Therefore, after further discussion and the need to prepare ballots for the June 25 Primary election, it was the consensus of the Commission to defer any decision.

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Pacificorp, cont. . . .

Motion was made by Commissioner Randy Johnson to table the matter at this time. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

INTERN FOR ATTORNEY'S OFFICE

Commission Chairman Kent Petersen noted that he has been contacted by Bob Keitner of the University of Utah Law School who informed him that Emery County could obtain from the University of Utah Law School an intern for County use through the Summer. The intern's salary would be paid by the University. They would recommend the intern work on environmental issues. This matter was referred to County Attorney, David Blackwell for his review.

(16)

CONSIDERATION AND APPROVAL OF EMERY COUNTY RS-2477 ROAD POLICY

This matter was deferred until a later time due to the absence of Road Superintendent, Rex Funk.

(17)

APPOINTMENT OF COMMISSIONER CHAIRMAN FOR THE REMAINDER OF 1996

Commission Chairman Kent Petersen informed the Commission that because of his involvement in the election this year, that it would be his motion to step down as Chairman of the County Commission and to appoint Commissioner Randy Johnson to fill the remainder of 1996 as Chairman of the Emery County Commission, effective May 16, 1996. Motion was seconded by Commissioner Randy Johnson and approved by all members present.

(18)

COMMISSION MINUTES

The minutes of the April 1, 1996, Commission meeting were reviewed and corrected. Motion to approve the minutes as corrected was made by Commissioner Randy Johnson, seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

COMMISSION REPORTS

At this time the Commission recognized the visit by Pacificorp earlier today in which they had met with the County Commission. Those present from Pacificorp were Verl Topham, Bret Harvey, Dave Lauriski, Tom Alexander, Bob Strong and Kevin Boardman. It was further pointed out that these representatives of Pacificorp have agreed to meet on a regular basis in the

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Commission Reports, cont. . . .

future primarily to discuss property tax issues. The meetings were very productive. Both parties indicating they were willing to discuss almost any kind of issue.

(20)

OTHER BUSINESS

A) Extension Office Budget Approval - The Extension Office had provided to the Commission the approved operating budget. This having been approved previously by the Commission in the budget process. This has to be submitted to Utah State University outlining those funds provided by the County. Whereupon, motion was made by Commissioner Bevan Wilson to approve the budget as submitted. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(21)

BUSINESS LICENSE APPROVAL

Clerk, Bruce Funk presented the business license application for Heidi Lemmon of Cleveland, wanting to do business as Heidi's Tanning Salon. This has been approved by Planning and Zoning Director, Bryant Anderson. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Randy Johnson to approve the business license for Heidi Lemmon as presented. Motion was approved by all members present.

(22)

RECESS COMMISSION MEETING AND CONVENE MUNICIPAL BUILDING AUTHORITY MEETING

Motion was made by Commissioner Randy Johnson to recess the regular Commission meeting at 6:35 p.m. and convene the Municipal Building Authority Board of Trustees. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(23)

RECONVENE REGULAR COMMISSION MEETING

The Commission reconvened the regular Commission meeting at 7:00 p.m. with all members present.

(24)

EXECUTIVE SESSION

At the request of Clerk, Bruce Funk, motion was made by Commissioner Randy Johnson to go into Executive Session at 7:02 p.m. to discuss the Clerk's office's handling of the campsite rental fees at the Bear Canyon Campground. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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Executive Session, cont. . . .

Those present during Executive Session were Commissioners Kent Petersen, Bevan Wilson and Randy Johnson; Dave Thompson and Clerk, Bruce Funk.

The regular Commission meeting was reconvened at 8:04 p.m.

(25)

BEAR CANYON CAMPGROUND MAINTENANCE CONTRACT APPROVAL

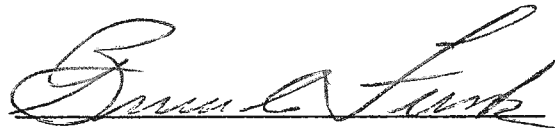
This matter having been discussed in the Executive Session, motion was made by Commissioner Randy Johnson to approve the Bear Canyon Campground Maintenance Contract as presented with the additional notation that campsite rental fees be paid to the Auditor's office rather than the Clerk's office as in the past. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(26)

MEETING ADJOURNMENT

The Commission adjourned the meeting at 8:08 p.m.

ATTEST



CHAIRMAN



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

June 5, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 9:00 a.m.

(1)

MICHELLE LINDHART - REQUEST FOR SPONSORSHIP TO THE MISS TEEN UTAH PAGEANT

Michelle Lindhart, at the request of the Commission, discussed how she was selected and her qualifications for running for the title of Miss Teen Utah. Ms. Lindhart pointed out that she was uncertain whether it was because of her business or they can also be referred by a previous contestant. The finalists are considered based on their grade point average, tests and six other categories. Her purpose in coming before the Commission is to request sponsorship by the Commission and request financial assistance in the amount of \$100. She needs \$295 for the entry fee. Discussed was that the Commission normally contributes \$50 to individual requests.

Therefore, motion was made by Commissioner Kent Petersen to contribute to Michelle Lindhart \$50 as part sponsorship for her participation in the Miss Teen Utah pageant. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

GORDON HILLIER - DISCUSSION OF RENEWAL OF RE-INSURANCE POLICY

Gordon Hillier addressed the Commission, providing to them the large claims summary from July 1, 1995, through April 30, 1996. He also provided a summary of the medical, Scrip Card, vision and dental expenses for the same period. He noted that the total cost to the County, less the reinsurance claims in the amount of \$47,014.67. Total cost to the County was \$637,856.79. His purpose in coming before the Commission today was to consider the renewal of the reinsurance portion of the policy. He noted that last year they were with Anthem Life. That annual premium was \$150,160.20. This was down some \$80,000 from the previous year. He also pointed out that Lamar Life has offered their reinsurance at an annual premium of \$128,435.04. This would provide an additional \$32,000 savings. Also, that Lamar Life has transplants at 100%. There are savings in the Life Insurance as well as increased benefits. He also noted that they have a slightly lower attachment point. This is the point in which it limits the liability of the County. Mentioned was the increased life insurance benefits to spouses and dependents.

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Gordon Hillier, cont. . . .

Auditor, Ross Huntington in responding to the Commission, noted that the insurance trust fund is now increasing and building. It is healthier than a year ago. He expressed appreciation to Mr. Hillier's efforts. He again noted the savings to the County.

Whereupon, motion was made by Commissioner Kent Petersen to accept Lamar Life as the reinsurance carrier effective July 1, 1996. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

BILL HOWELL DISCUSSION OF THE CONDOR IMPLEMENTATION AGREEMENT

Bill Howell, Administrator of the Southeastern Utah Association of Governments spoke to the Commission in regards to the implementation agreement between the U.S. Fish and Wildlife Service and the Coalition of County and local governments in regards to the California Condor experimental population area in Northern Arizona and Southern Utah. Mr. Howell went on to indicate that the Fish and Wildlife Service would introduce nine captive bred condors in the vermilion cliffs of Arizona. Kane County was one of the first Counties in Utah to express a concern and how it might impact coal mining operations and has brought concern to a number of Utah counties and what will be the impact on Utah. Therefore, the purpose of the implementation agreement is to bring all parties together with an understanding, the wording would be incorporated into the governing federal rule.

Mr. Howell reviewed some of the implementation provisions. He noted that there are basically three options. One is to do nothing. The second is to sign on and become part of the working group. The third would be to join San Juan County who is challenging the veracity of the scientific documentation.

Commissioner Kent Petersen noted that this is the best document that he has seen written on the preservation of specie. It has good public involvement. He pointed out that it is a non-essential experimental bird population and signing of such would put Emery County at the table.

Mr. Howell pointed out that in signing the document, the County would not be under any obligations, as referenced in page 8, item 3. Concern was expressed that by assigning the agreement, would that hamper the suit by San Juan County. Mr. Howell indicated that he felt it would not and whether signing the document would not preclude the County from later joining in with San Juan County.

Therefore, after further discussion, motion was made by Commissioner Kent Petersen that the Emery County Commission adopt the intent to sign a final draft of the implementation agreement with possible consideration to join with San Juan County in their suit. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.



(4)

PUBLIC HEARINGS TO RECEIVE COMMENT ON ZONING RECLASSIFICATION AND LARGE SITE PLAN APPROVAL FOR EMERY RECYCLING CORP.

Commission Chairman Randy Johnson recognized the time at 10:04 a.m. Motion was made by Commissioner Kent Petersen to recess the regular Commission meeting and open a public hearing to receive public comment concerning a zoning change from Agricultural Zone A-1 to Industrial Zone I-1 for Emery Recycling Corporation to develop and operate two gasifiers. Due to the overlapping discussion of these two matters, the Commission recognized the need to also take public comment in regards to the Large Site Plan Approval for Emery Recycling Corporation. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Planning and Zoning Director, Bryant Anderson outlined to those present the need to reclassify a parcel of ground from Agricultural Zone A-1 to Industrial Zone I-1 in order for Emery Recycling to construct and build two gasifiers. This property would be located approximately 3/4 mile west of the Catholic Church south of Huntington. It was pointed out that the gasifiers are in the research and development stage at this time. Final construction of the units would meet air quality standards and would be monitored. Their purpose would not be to develop a gas stream. The area considered would be 80 acres. The fuel would be recycled tires. They would store three-day burn. There would be fire suppression. The fuel would be used to heat four green houses as well as run a generator. They have obtained utilities.

Therefore, at the conclusion the meeting was opened for public comment. Commissioner Kent Petersen inquired if the facility would be visible from the highway. It was pointed out that the facility would not be readily visible. The nearest neighbor has expressed no concern. Mr. Anderson pointed out that he has received no letters at his office and only one phone call in which they later supported the units. No comments had been received at the Clerk's office.

Deputy Attorney, Allen Thorpe discussed the draft approval from the Planning Commission in that they had concern over the road and a need for a road encroachment permit.

Road Superintendent, Rex Funk suggested that this matter be negotiated with the Commission and the parties involved.

Planning and Zoning Chairman Mac Huntington pointed out that the Planning Commission does support the recommendation for the zone change. They had two matters of concern. One of them being the road and the second is approval from the health department.

Road Superintendent, Rex Funk discussed that he is awaiting information from Johansen and Tuttle Engineering in that UDOT would like a proposal of improvements the County would like to make since this is a limited accessroad.

Public Hearing, cont. . . .

Mr. Thorpe continued in that there is a need for certification from the health department for the septic system. Also, that wording also be inserted that should this project become a public nuisance and after proper notification, the County could shut down the facility.

Bryant Anderson pointed out that in regards to the road encroachment, two semi's currently could not pass. The access is too narrow. Discussion took place in regards to widening the road.

There being no other comments in regards to this matter, motion was made by Commissioner Kent Petersen to close the public hearing and the zoning classification change at 10:30 a.m. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

APPROVAL OF ZONING CHANGE

A public hearing having been held, it was the motion of Commissioner Kent Petersen to approve the Zone change from A-1 to I-1 as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

CONDITIONAL APPROVAL OF A LARGE SITE PLAN FOR EMERY RECYCLING CORPORATION

A public hearing having been held, the Commission recognized the need for health department certification and approval and the clearing up of the road problems. Whereupon, motion was made by Commissioner Bevan Wilson to approve the large site plan for Emery Recycling contingent upon the finalizations of the requested documents to be signed by Planning and Zoning and staff and Emery Recycling and upon final review and recommendation by the County Attorney's office and to authorize Commission Chairman Randy Johnson to sign those upon completion. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

RECESS REGULAR COMMISSION MEETING AND CONVENE THE MUNICIPAL BUILDING AUTHORITY MEETING

Motion was made by Commissioner Kent Petersen to recess the regular Commission meeting and convene the Board of the Municipal Building Authority of Emery County at 10:30 a.m. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(8)

RECONVENE REGULAR COMMISSION MEETING

The regular Commission meeting reconvened at 11:00 a.m. with all members present.

(9)

COUNTY FAIR BOOTH AT STATE FAIR AND COUNTY QUEEN CONTESTANT

Lillian Taylor, member of the State Fair Board, addressed the Commission, inviting the County to provide a booth and a County queen at the Utah State Fair. She emphasized that especially this year since it is the Centennial year, she pointed out that the queen this year would be more involved. Discussed were agencies doing the booth, the problems associated with the Emery County Queen being chosen late in the year, making application difficult to the State Fair. It was the consensus and direction of the Commission that Economic Development Director, Rosann Fillmore spearhead the booth project at the State Fair through Economic Development and/or the Travel Bureau.

(10)

CITIZENS CONCERNS

Commissioner Kent Petersen, speaking on behalf of Mr. Polk who lives at Woodside, inquired whether the County had given him the bridge over the Price River. Road Superintendent, Rex Funk reviewed the background and discussed the abandonment of the road and the bridge by the County. He pointed out that the bridge has not been given to Mr. Polk. Discussed was whether it would be worthwhile to abandon the bridge. Road Superintendent Rex Funk will discuss this further with Mr. Polk.

(11)

CASTLE DALE CITY REQUEST FOR CONTRIBUTION TO ANNUAL JUNE JAMBOREE

By letter, the Commission had received a request from Castle Dale City who will hold their first annual June Jamboree beginning June 15. They would like a contribution of \$250, the same which has been contributed to other communities for their celebrations.

Auditor, Ross Huntington indicated it had not been budgeted as a line item, as well as the other communities.

Whereupon, motion was made by Commissioner Kent Petersen to contribute \$250 to the Castle Dale City June Jamboree. Motion was seconded by Commission Chairman Randy Johnson and approved by all members present.

Senior Administrative Assistant, Leslie Bolinder, noted that Castle Dale City has also requested the use of the Courthouse parking lot on June 15 and that the County relocate the County vehicles. The Commission indicated they would also grant that request.

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(12)

WESTERN COUNTIES RESOURCE POLICY INSTITUTE

Commission Chairman Randy Johnson noted that Sheldon Kinsel has started up the Western Counties Resource Policy Institute for the purpose of responding to public issues on public lands in a public forum. The requested start-up fee from those Counties is \$250. Commission Chairman Randy Johnson noted that he has been asked to be on the Board of Director's. He noted the importance of educating the public on the issues and recommended support at this grass root level.

Commissioner Kent Petersen pointed out that they have a number of corporate sponsors. However, they would like to have County sponsorship and it would be worthwhile to sponsor.

Whereupon, motion was made by Commissioner Kent Petersen to approve a \$250 contribution to be taken out of dues and contributions. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

COUNTY BRAND INSPECTION CONTRACT

County Attorney, David Blackwell presented to the Commission for their consideration an extension to the County Brand Inspection Contract for an additional year for the sum of \$5,000. Whereupon, motion was made by Commissioner Kent Petersen to accept the Brand Inspection Contract and Extension. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. (The Emery County Sheriff will forward the document on for final signatures.)

(14)

RS-2477 POLICY - RESOLUTION 6-5-96 - RESOLUTION GRANTING RIGHT-OF-WAY FOR THE CONSTRUCTION AND MAINTENANCE OF HIGHWAYS OVER PUBLIC LANDS

Presented to the Commission for their consideration was Resolution 6-5-96. Wherein, the Resolution grants a right-of-way for the construction of highways over public lands. This applies to what has been discussed as the RS-2477 roads. It outlines the County's policy in regards to those roads.

Commissioner Kent Petersen inquired if the County would be obligated to maintain such Class B roads. County Attorney, David Blackwell indicated they would not, but would allow for maintenance as the County deemed necessary.

Whereupon, motion was made by Commissioner Kent Petersen to approve and adopt Resolution 6-5-96 as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

APPROVAL/RATIFICATION OF SOFTWARE LICENSING AGREEMENT

County Attorney, David Blackwell noted that he has reviewed the contract covering software furnished by Mr. Singer of County Information System Software, Inc., on the recordation program. The concerns previously discussed by the Commission have been resolved. Therefore, motion was made by Commissioner Kent Petersen to accept the agreement and ratify the prior signing. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

DISCUSSION OF A CITIZENS COMMITTEE TO EVALUATE ELECTED OFFICIAL AND DEPARTMENT HEAD SALARIES

Commission Chairman Randy Johnson noted in a follow-up to public comment received earlier this year in regards to consideration of a citizens committee to evaluate elected official and department head salaries. He noted that the purpose would be to evaluate the elected officials and department heads in relation to other officials and departments. However, after further discussion, it was the consensus of the Commission that they were not ready to proceed in that they did not have names for appointment to the committee at this time.

Whereupon, motion was made by Commissioner Kent Petersen to defer action on this matter to a later date. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Later in the meeting, Personnel Director, Pat Snowball discussed her concerns in Department Heads being evaluated along with elected officials, in that they are two very different groups. Her concern was over the citizens committee and the process of selecting that group and whether the Commission would like any of the information received from the Reinvent County Government Committee who previously reviewed salaries and benefits. Her concern is what the Commission would be looking at in keeping the two groups together when they are so different.

The Commission concluded in that this is a follow-up in a request by the public in that they would like an evaluation of both groups.

(17)

DISCUSSION OF PROPOSED PACIFICORP TAX APPEAL SETTLEMENT

Commission Chairman Randy Johnson noted that a week ago Thursday. The Commission met with members of Pacificorp in which Pacificorp has agreed to drop their protest on the 1993, 1994 and 1995 taxes and would not protest the evaluations of the 1996 property tax provided the County would also agree to

Pacificorp Tax Appeal Settlement, cont. . . .

drop any protest of the valuations on those years. Mr. Johnson pointed out that this is a significant help and benefit to the County. It was his recommendation that the County agree to the terms of that meeting and ratify the decision to accept the settlement and the intent for 1996.

Whereupon, motion was made by Commissioner Kent Petersen to accept and agree to the settlement between the parties as indicated and to authorize the County Attorney's office to prepare the necessary paperwork. Also, that notification be made to the other County taxing entities to involve them in the settlement issue as proposed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

REORGANIZATION OF THE BOARD OF ADJUSTMENTS

Planning and Zoning Director, Bryant Anderson in a follow-up to the Commission meeting of May 15 noted that the Planning Commission has met and names have been submitted for the Board of Adjustments. He indicated he has not had an opportunity to contact those individuals to see if they are willing to serve. Therefore, he is not ready to present names for consideration on the Board of Adjustments at this time.

Whereupon, motion was made by Commissioner Bevan Wilson to table this matter until a later time. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(19)

ROAD DEPARTMENT/LANDFILL ITEMS

A) Declaration of October 1996 as Waste Awareness Month - Road Superintendent, Rex Funk indicated that Governor Michael Leavitt has proclaimed October 1996 as Waste Reduction and Awareness Month. There will be a series of articles aimed at reducing waste in the home. The Emery County Beautification Committee will assist in coordinating the awareness activities.

Whereupon, motion was made by Commissioner Bevan Wilson to support the Emery County Beautification Committee to work with the Road Department in spearheading a program of public awareness in the area of Waste Reduction and to approve the proclamation proclaiming October 1996 as Waste Reduction and Awareness Month. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

B) Ratify Approval of the Emery County Revised Application for Class I Landfill Permit - Road Superintendent, Rex Funk discussed meetings with representatives from environmental quality. He noted that Emery County has now submitted its application for a Class I Landfill permit. It was previously signed by Commissioner Bevan Wilson and notarized.

## Road Department Items, cont. . . .

Whereupon, motion was made by Commissioner Kent Petersen to ratify the signing of the Class I Landfill Permit application. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

C) Request to Repair Parking Lot at Millsite Reservoir - Mr. Funk informed the Commission that the State Parks would like repairs made on the parking lot at the Millsite State Park. State Parks has \$15,000 budgeted. The Road Department is tentatively set up to patch. He emphasized the need for the County to establish a posture with these agencies in the future. He discussed that the County inherited the access road into the State Park. He recommended that in the future that it be abandoned back to the State Park or the next lowest entity.

After further discussion, motion was made by Commissioner Kent Petersen to approve the contract for repairs at the State Park parking lot. This having been reviewed by the Attorney's office and that the Attorney's office comments be attached to the County's copy of the agreement. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

APPROVAL OF GRANT APPLICATIONS

Economic Development Director, Rosann Fillmore came before the Commission seeking ratification of grant applications submitted by her office. The first was for a corporate recruiting program for \$20,000. The second was for \$3,000 for computer equipment for the Chamber of Commerce. The third for matching funds to support Project Shooting Star in the amount of \$17,000. This is a telecommunications project co-sponsored by Carbon, Emery, San Juan and Grand; who in turn, are participating with Northwest New Mexico, Southwest Colorado, North east Arizona and Southeast Utah in submitting a grant to the federal government for \$53,000 to complete the telecommunication project. Discussed was that they would like Emery County's support. She further pointed out that Commissioner Kent Petersen had signed those Applications at the time of submittal.

Mrs. Fillmore also asked the Commission to write a letter of support for a corridor management proposal for the Huntington Canyon-Eccles Canyon scenic byway. This is an ISTEAs proposal being submitted by Anne King. Emery County would have to match the project with about \$5,600. There would be an effort to reimburse Emery County later from contributions from other Counties. Concern was expressed as to Emery County contributing to the Eccles Canyon.

Commissioner Bevan Wilson pointed out that a citizens review committee was to overview the Huntington Canyon projects and that there were monies already going into the study of Huntington Canyon. Mrs. Fillmore indicated that what is needed was a letter of decision to support, but wouldn't expect a proposal until the next meeting.

Grant Applications, cont. . . .

After further discussion, motion was made by Commissioner Bevan Wilson to support and approve the request of up to \$5,400 for the study of the Federal Scenic Highways as requested and to ratify the signing of the grant applications previously submitted. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(21)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #91065 through and including #91237 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
13-A	Computer System - Travel Bureau	1,893.35	Approved
38	Kenwood Radio and Antenna - Sheriff/Communications	719.00	Approved
40	Ventilation System - Nursing Home	1,495.00	Approved
41	Pulse Oximeter - Nursing Home	375.00	Approved
42	Cameras, Video Monitors, VCR and other equipment - Sheriff	2,858.50	Approved
43	1995 Ford Contour - Capital Replacement (courthouse)	14,995.00	Approved
44	1996 Chrysler Concorde - Capital Replacement (courthouse)	19,400.00	Approved
45	Two vehicles funded by Carbon-Emery Drug Task Force - Sheriff	21,947.00	Approved

The following disposition of fixed asset forms were presented for Commission consideration:

- P.C. Computer and monitor, fixed asset #4662, from the Nursing Home, to be junked.
- Wooden VCR/TV stand, no fixed asset #, from Extension Service, no longer needed



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Auditor's Office, cont. . . .

- GE 87PSX 200 Radio, fixed asset #4846, serial #721250, from the Road Department, to be junked
- 1991 Dodge Ram Charger, fixed asset #5521, vin #3B4GM07Z0mm044359, from the Sheriff's office, to be traded in

Whereupon, motion was made by Commissioner Kent Petersen to approve the warrants for payment, requisitions for purchase and dispositions for disposal. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(22)

TAX ABATEMENTS

Auditor, Ross Huntington reviewed with the Commission the results of the May Tax Sale in which the County received no offers on the Professional Building located in Castle Dale. Therefore, it has become a County property. The Treasurer has requested that the Commission abate those taxes and remove them from the delinquent rolls. Also there was some teracorp property in the amount of \$352.57. Also a piece of property 14'5" X 100' in Emery in which Emery City needed for access. However, the property remained in the name of Clyde Mortensen. This property was pulled from the sale. Mr. Huntington will look into getting a Quit Claim Deed in the name of Emery Town and requested the taxes be abated in the amount of \$91.94.

Motion to approve the tax abatements as requested was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

(23)

COMMISSION MINUTES

The minutes of the May 15, 1996, Commission meeting were presented for Commission consideration. Motion was made by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(24)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Huntington Airport House Fire - Mrs. Snowball discussed the financial statistics and options in regards to the Huntington Airport house fire. She noted that Building Inspector Bryant Anderson has looked at the building and

## Personnel Items, cont. . . .

she presented to the Commission the various options. She has discussed and met with Keven Robison, caretaker at the airport. Options given were to replace it with a new home; replace with a used home; repair the fire damaged home; or not to replace the loss. Discussed was the size of a replacement home. This will be further discussed with Mr. Robison.

Road Superintendent, Rex Funk pointed out that the State Aeronautics Board did not like the location of the existing mobile home. Therefore, it was the direction and motion of the Commission that they proceed with advertising the disposal of the existing fire damaged mobile home. This in accordance with the disposal and procurement policy of the County and that the County also look into soliciting proposals for replacement structures. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

B) Planning/Zoning, Building Inspection, Emergency Management - Request is made to appoint Colleen Bott as temporary clerical help in the up-to-90-day category, effective 6-3-96 at the rate of \$6.00 per hour. Mr. Anderson informed the Commission that he has enough money in his budget to pay Mrs. Bott for up to 12 hours per week.

Also requested is permission to recruit for a part-time (less than 20 hours per week) clerical help in Mr. Anderson's office.

Motion was made by Commissioner Bevan Wilson to approve the appointments of Colleen Bott as a temporary worker as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

It was the consensus of the Commission that they hold the recruitment of a part-time, less than 20 hours per week clerical help until the public lands council director has been appointed and staffing been reviewed.

C) Weed & Mosquito Department - Request is made to approve the appointment of Brian Dawes as a temporary Weed & Mosquito worker in the up-to-90-day category, effective 6-3-96 at the rate of \$8.25 per hour.

Motion was made by Commissioner Bevan Wilson to approve Brian Dawes as a temporary worker in the Weed & Mosquito Department as presented. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

D) Road Department - Request is made to approve the appointment of Jay Kunze as temporary help in the up-to-90-day category, effective 5-16-96 at the rate of \$8.32 per hour.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve the appointment of Jay Kunze as a temporary worker in the Road Department as presented. Motion was approved by all members present.

Personnel Items, cont. . . .

E) Road Department - Charles Bentley, Mechanic, hired 5-22-95 will receive his first year automatic increase from 11-E, \$10.72 per hour to 11-G, \$11.17 per hour retroactive to 5-22-95.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve the automatic increase for Charles Bentley as requested. Motion was approved by all members present.

F) Family and Medical Leave Requests - The following requests have been made for FML:

Shellee Allred for the birth of her baby beginning 9-23-96, planning to return 12-16-96.

Julie Winn for the birth of her baby beginning 7-5-96, planning to return 9-27-96.

Floyd Forsyth, for personal health reasons beginning 5-30-96, planning to return 8-30-96.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve the Family and Medical Leave Requests as presented. Motion was approved by all members present.

G) Electronics Specialist - Brett Mills is at the top of his grade and is ineligible for the automatic step increase. Sheriff Guymon has expressed a desire to give Brett an increase.

The Commission was very sympathetic, however, they pointed out that others are in the same situation and also need to be reviewed. The Commission did recognize the need to review his contract and the BELO policy under FLSA. There will be a follow-up to this request, but no time was set.

(25)

COMMISSION REPORTS

Commissioner Bevan Wilson:

1. He noted an advertisement received in the mail in regards to the water hydrologists of the state and their willingness to come to the County. They will contact and set a date.
2. He discussed the need to talk up the meeting with Governor Leavitt and the San Rafael Futures Project meeting which is set for Monday, June 10 at 4:00 p.m. at the Museum.

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(26)  
OTHER BUSINESS

Memorandum of Understanding Between the Bureau of Land Management and Emery County - Received was a note from Penny Dunn indicating they have changed their Memorandum of Understanding number due to an administrative glitch. She asked that the County replace the first page of the MOU with the one provided.

(27)  
MEETING ADJOURNMENT

Motion to adjourn the meeting at 2:22 p.m. was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen. Motion was 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

June 19, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 4:00 p.m.

(1)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #91499 through and including #91649 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
46	Three 1996 Ford Broncos - Sheriff	65,841.00	Approved
47	Ten Portable Voting Booths and Three Handicapped Voting Booths - Elections	2,535.87	Approved
48	Four GE Orion Mobile Radios - Sheriff	5,636.00	Approved
49	40 Handheld Radios, Chargers, and Cases - Sheriff	21,680.00	Approved

The following disposition of fixed asset forms were presented for Commission consideration:

- Fixed asset #4781, 86 PSX 200 Radio, serial #6938976, from the Road Department - To be junked
- Fixed asset #4823, 87 PSX 200 Radio, serial #721178, from the Road Department - To be junked

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to approve the warrants for payment, requisitions for purchase and the dispositions for disposal. Motion was approved by all members present.

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Commission Minutes  
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(2)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) County Attorney - David Blackwell has recommended that Nancy Orgil receive a merit increase along with her automatic annual step increase. Her wage would be from Grade 8, Step B or \$8.87 per hour to Grade 8, Step D or \$9.27 per hour. This would be effective 6-15-96 which is her anniversary date.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve the merit increase for Nancy Orgil as requested. Motion was approved by all members present.

B) Electronics Technician - Bret Mills has been on the FLSA Belo Plan since 1988. Since that time, the agreement required by FLSA has not been reviewed. As part of Sheriff Guymon's recommendation that Bret receive an increase even though he is at the top of his grade, reviewing the Belo agreement and making the increase a part of the agreement will allow us to give Bret the recommended increase. The proposed increase is 4% based on his current wage.

The Commission reviewed the agreement, noting that it does not contain salary amounts. Therefore, it was their recommendation that the agreement reflect the amounts requested and that it be given further consideration at a later time.

Whereupon, motion was made by Commissioner Kent Petersen to table the action on Bret Mills and consideration of agreement at this time. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

TEXACO REQUEST TO USE HORN MOUNTAIN TOWER SITE FOR RADIO TRANSMISSION

Robert Schaffitzel of Texaco came before the Commission. His request is to place a data radio and omni antenna on the Horn Mountain Emery County Communications Site.

At this time, the Commission asked Electronics Technician Bret Mills if there were any concerns that needed to be addressed. He indicated he was uncertain as to the frequency they would be broadcasting on, the physical size, power requirements and whether this represented a conflict with local companies providing similar type services. He had no problem with installation at the site. There is sufficient tower space.

Mr. Schaffitzel indicated he has met with Keith Lake and they will be using his sites for some of the transmissions. However, the Horn Mountain site is the best for getting into other locations. He indicated he did not anticipate any problems from Mr. Lake in using the County's tower.

Texaco Request, cont. . . .

Whereupon, motion was made by Commissioner Kent Petersen to give tentative approval provided there are no apparent band conflicts with existing equipment. Therefore, he recommended that the contract be resubmitted for approval. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

CANYONVIEW JR. HIGH HONOR BAND DONATION REQUEST

There being no one present to discuss this matter, the Commission considered tabling the matter at this time. However, after further discussion, it was the consensus of the Commission to check into the request and confirm the band's participation in the trip. Motion to that effect was made by Commissioner Bevan Wilson that the Commission donate \$200 to the group provided sufficient information and details are received by the Commission and that each individual Commissioner at that time concurs in the appropriation. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

PRESENTATION AND ACCEPTANCE OF 1995 INDEPENDENT AUDIT

Auditor, Ross Huntington indicated that Kay Kimball asked to be excused, noting that Mr. Kimball had met earlier today with the Commission, Treasurer, JoAnn Behling and himself wherein Mr. Kimball presented to them the 1995 audit. He reviewed the management letter at that time. His purpose at this time was to present the 1995 independent audit to the Commission. He noted that the County is in a good financial condition. The books are in good order. It was his recommendation that the Commission accept the audit as presented.

Commission Chairman Randy Johnson complimented Kimball and Roberts on their audit as well as the work and effort put in by the Auditor's and Treasurer's offices in completing this.

Whereupon, motion was made by Commissioner Kent Petersen to accept the 1995 independent audit as prepared by Kimball and Roberts of Richfield. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Mr. Huntington noted that copies of the budget will be available for public inspection at his office as well as those of the special districts.

(6)

CITIZENS CONCERNS

There were none.

(7)

CONSIDERATION OF ALTERNATE POWER SOURCE FOR HORN MOUNTAIN

Electronics Technician, Bret Mills reviewed with the Commission the power outage to the Horn Mountain Communication's site in which all television, radio and communication signals were lost. This was as a result of vandals shooting out three insulators and winds blowing the wire together eventually caused shortages and blown fuses at the substation. They have posted a reward in the newspaper. He would like the Commission to consider an alternate power supply or backup generator. He has received two bids. The first back up generator is from Industrial Electric in the amount of \$14,577 which does not include the propane tank; the other bid from Dresier in the amount of \$16,606. There would have to be additional freight and it does not include transformer and switch panels. Discussed were other companies who use the site such as Cell One and possibly in the future Texaco and San Juan County to help in the purchasing of the equipment and possibly constructing a new building to house the equipment which would cost an anticipated \$2,500. He noted that the existing one could not stop a bullet at this point.

The Commission indicated a willingness to look at the site and the proposed back-up generator and consideration of a new building to house the equipment. They would meet and review the site with Mr. Mills before giving it further consideration.

(8)

CONTRACT FOR COURTHOUSE INTERNET SUPPORT

There being no one present to discuss this matter with the Commission, motion was made by Commissioner Kent Petersen to table any action at this time. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF THE EMERY COUNTY 1996 CERTIFIED TAX RATE

Auditor, Ross Huntington presented to the Commission and those in attendance how the certified tax rate is derived. It was his recommendation that the commission either go with the certified tax rate or begin to cut County services. He noted that going with the new rate that there would be an increase in the taxes to the home owners and that centrally assessed properties would only increase slightly. The Commission reviewed the tax rates from the previous year and the proposed tax rate for 1996 which would be .003185 for the County General Fund; .000369 for the Library Fund; and .000185 for Flood Control.

Upon conclusion, motion was made by Commissioner Bevan Wilson to accept and approve the certified tax rates of .003185 for the County General Fund; .000369 for the Library Fund; and .000185 for Flood Control for 1996. Motion was seconded by Commissioner Kent Petersen with the Commission authorizing the



1996 Tax Rate, cont. . . .

Commission Chairman to sign this and any additional paper work in order to expedite. Motion was approved by all members present.

(10)

CASTLE VALLEY SPECIAL SERVICE DISTRICT TAX RATE

Auditor, Ross Huntington presented to the Commission, in the absence of Castle Valley Special Service District Administrator, Darrel Leamaster, the Castle Valley Special Service District tax rate for 1996. It has been the Castle Valley Special Service District Board's recommendation that the Commission approve the tax rate of .002916. Last year's tax rate was .002879.

After further discussion, motion was made by Commissioner Kent Petersen to approve the Castle Valley Special Service District tax rate at .002916. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

CASTLE COUNTRY TRAVEL REGION BROCHURE

Presented to the Commission were copies of the Castle Country Travel Region brochure. Discussed was that it did not appear that Emery County received their share of recognition in the brochure by the Travel Region. However, they were hopeful and recognized that they have gained some ground and improvement.

Commissioner Wilson noted that the Emery County Travel Bureau as well as the Emery County Chamber of Commerce were working on an Emery County Brochure which would be ready for distribution in January or February 1997. Also recognized and noted was that Emery County does not participate with equal dollars in the Castle Country Travel Region as compared to Carbon County.

(12)

ARCHITECTS APPROVAL TO PROCEED WITH HEATING AND AIR CONDITIONING REMODELING DESIGNS FOR THE COURTHOUSE

Commissioner Kent Petersen noted that Design West has estimated \$152,000 for equipment and installation to redo the heating and air conditioning system in the courthouse. It was noted they would remove the existing pumps and system. They would install a central boiler, central chiller and replace existing piping with copper. It was Commissioner Petersen's recommendation that the Commission give approval to Design West to proceed with the design of the new system.

Therefore, it was Commissioner Kent Petersen's motion that the Commission go ahead with the next step and authorize Design West to proceed with the design portion of the heating and air conditioning project for the courthouse.

Heating and Air Conditioning, cont. . . .

Design West is to study various options of heating and cooling systems and make a recommendation to the commission.

Motion was seconded by Commissioner Bevan Wilson and approved by all members present. Also discussed was a need to meet and discuss with Design West the Ferron Nursing Home.

(13)

DISCUSSION OF PUBLIC GATHERING PERMITS AND ALCOHOL BEVERAGE ORDINANCE  
DISCUSSION

Commission Chairman Randy Johnson noted that the Commission office has received indications of groups desiring to assemble. Discussed was whether the County had an existing public gathering permit. He noted that a number of these want to involve alcohol. It was recommended that the County evaluate any ordinances or resolutions in regards to public gatherings and review the alcohol beverage ordinance and that consideration be given as to whether there is a need to update and evaluate them in comparison to other counties.

Therefore, it was the recommendation of Commission Chairman Randy Johnson that Commissioner Bevan Wilson and County Attorney, David Blackwell review existing documents and look into whether the County in past years has done away with keg sales. Motion to that effect was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

(14)

RULES AND REGULATION FOR BEAR CANYON CAMPGROUND

Parks and Recreation Director, David Thompson, presented the following rules and regulations for Commission consideration for implementation at the Bear Canyon Campground:

**Purpose:** To ensure that everyone's visit to the campground is pleasant.

**Fires** - Campfires may be built in fire pits provided at campsites and pavilions. Firewood is not generally available in the campground. Picnickers and campers should bring appropriate fuel. Wood must not exceed 30" in length.

**Pets** - Pets are allowed, but they should be confined on a maximum six-foot leash. Seeing Eye dogs are the only animals admitted in buildings or on the grass without permission. For safety and courtesy, please keep you animals under control.

**Plants and animals** - All plants, animals, minerals and other natural features in the campground are protected. It is unlawful to remove, alter, destroy or

Bear Canyon Rules & Regulations, cont. . . .

molest them.

**Firearms** - Possession or the use of firearms, traps, or other devices capable of launching a projectile that can immobilize, injure or kill a person or animal, or damage property is prohibited unless the weapon or device is 1) unloaded to prevent its use; or 2) being used by authorized enforcement officers in the performance of official duties.

**Fireworks** - Explosives, fireworks or firecrackers are prohibited unless written authorization is obtained by Emery County Parks and Recreation Department supervisor.

**Vandalism** - It is unlawful to mutilate, deface or remove any natural or constructed feature or structure.

**Speed Limit** - The maximum speed limit in the campground is 15 mph unless otherwise posted.

**Off-highway vehicles** - All OHV use is prohibited in the campground unless it is the only means of transportation to and from the highway and then is allowed directly to a designated campsite or pavilion on designated roads. No through travel or touring is allowed. Off-highway vehicle (OHV) includes any snowmobile, ATV, motorcycle or other off-highway vehicle capable of travel over unimproved terrain.

**Trash** - All trash and debris shall be deposited in containers provided. Do not put in fire pits.

**Waste water** - It is unlawful to dump or drain waste water from campers or trailers onto the ground or streams. Most nearby cities provide sanitary disposal stations.

**Quiet hours** - 12:00 midnight to 7:00 a.m.

**Conduct** - Conduct by person(s) or group(s) which interferes with the use or enjoyment of the campground or pavilions by others is prohibited and such persons shall leave if requested and forfeit any funds deposited.

Whereupon, motion was made by Commissioner Bevan Wilson to accept and adopt the 1996 Rules and Regulations as amended. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

EMERY COUNTY SHERIFF'S DEPARTMENT AND USDA FOREST SERVICE AGREEMENT

Discussed by the Commission was the annual operating plan and financial reimbursement plan between the Emery County Sheriff's Department and the US

## U.S. Forest Service Agreement, cont. . . .

Department of Agriculture Forest Service covering the Manti Lasal Forest. This matter having been previously discussed by the Commission, a number of

concerns have been addressed. It was now the recommendation of Emery County Sheriff Lamar Guymon that we go ahead and approve the agreement and that the County make additional clarifications for the following year.

Whereupon, motion was made by Commissioner Kent Petersen to approve the signing of the agreement and authorize Sheriff, Lamar Guymon to further mitigate the issues for the next year's contract. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

APPOINTMENT OF MEMBERS TO THE BOARD OF ADJUSTMENTS

Planning and Zoning Director, Bryant Anderson outlined to the Commission the statutory requirements for the Board of Adjustments. His purpose in coming before the Commission at this time was to present names for appointment to that board in an effort to reorganize it. They would consist of three members. Their terms would expire on December 31 on the year indicated. The Planning and Zoning Board has reviewed and made the following recommendations to the Commission for appointment: Clyde Thompson whose term would expire December 31, 1997; Keith Ware whose term would expire December 31, 1998; and Gary Kofford whose term would expire December 31, 1999.

Motion to approve the appointments of Clyde Thompson, Keith Ware and Gary Kofford to the Board of Adjustments as presented was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen. Motion was approved by all members present.

(17)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Superintendent, Rex Funk presented to the Commission the following project acceptances. These projects having been completed:

- Road #: Eden Spur Bridge #214  
Project: Eden Spur Bridge Replacement #21406  
Contractor: Nielsen Construction Co.
- Road #: Lawrence Cleveland #328  
Project: Lawrence-Cleveland Curves #70411  
Contractor: Nielsen Construction Co.
- Road #: Bott Lane #418  
Project: Bott Lane Sidewalk Project #41810  
Contractor: Mike Riley Construction

## Road Department, cont. . . .

- Road #: Bott Lane #418  
Project: Bott Lane Construction Project #41811  
Contractor: Mike Riley Construction
- Road #: Castle Dale Old State #420  
Project: Bridge and Creek Stabilization #42006  
Contractor: Minchey Construction
- Road #: Castle Dale South Spur #424  
Project: Castle Dale South Spur Drainage #42408  
Contractor: Nielsen Construction Co.
- Road #: Mill Dam Road #502  
Project: Bridge Replacement - Road Reconstruction  
Contractor: Nielsen Construction Co.
- Road #: Molen Highway #611  
Project: Molen Hill Project #61111  
Contractor: Brown Brothers
- Road #: Killpack Bench #704  
Project: Killpack Bench Project #70411  
Contractor: Nielsen Construction Co.
- Road #: Moore Old State #801  
Project: Moore Old State Reconstruction #80121 SSD#1  
Contractor: Hales Sand and Gravel
- Road #: King's Lane #1004  
Project: King's Lane Road Reconstruction #10041  
Contractor: Nielsen Construction Company

Motion to accept those back into the County Road system was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

Mr. Funk further discussed with the Commission the cost to run three phase power to the water tank and on down to the landfill. The anticipated cost is approximately \$62,000.

After further discussion, it was the consensus of the Commission that Commissioner Kent Petersen discuss further with those involved the installation of the power line.

Mr. Funk also discussed the church property and the issue of the mineral rights by the church, the issue of development of those and the effect to the property.

10  
Commission Minutes  
June 19, 1996

Road Department, cont. . . .

It was the consensus that Commissioner Wilson work with Mr. Funk and the church in clarifying those matters.

(19)

COMMISSION MINUTES

The minutes of the June 5, 1996, Commission meeting have not yet been made available to the Commission by the Clerk's office due to a delay in obtaining further information on certain items.

Motion was made by Commissioner Kent Petersen to table consideration of those minutes at this time. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

COMMISSION REPORTS

Commissioner Kent Petersen:

1. Commissioner Kent Petersen noted the improvements being made on the courthouse grounds. Those improvements and recommendations have been made by a committee consisting of JoAnn Behling, Dixie Swasey, Janet Petersen and Terry Williams.

Commissioner Bevan Wilson:

1. He reported on the race track projects. In Huntington they have hauled material and distributed that material with the use of a County grader on the race track. There has been material hauled onto the infields at the Huntington Ball complex.

Commission Chairman Randy Johnson:

1. He noted the need to encourage people to get out and vote in the upcoming primary election to be held June 25.

(21)

MEETING ADJOURNMENT

Motion to adjourn the meeting at 6:22 p.m. was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson. Motion was approved by all members present.

ATTEST



CHAIRMAN



MINUTES OF THE MEETING  
OF THE BOARD OF EMERY COUNTY CANVASSERS  
HELD IN THE EMERY COUNTY COURTHOUSE

July 1, 1996

Those present were as follows: Commissioners Randy Johnson, Kent Petersen, Bevan Wilson; Clerk, Bruce C. Funk; Deputy Clerks, Julie Winn and Wendi Downard.

Commission Chairman Randy Johnson convened the Board of Canvassers at 12:00 noon for the purpose of canvassing the Emery County Primary Election held June 25, 1996, as prescribed under the Utah Code with proper notice having been posted. The results of the Primary Election following the canvass, including all corrections and absentee ballots are as per the attached sheets.

Whereupon, motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to accept the results of the official canvass of the Primary Election as determined. Motion was approved by all members present.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to adjourn the meeting at 12:33 p.m. Motion was 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

July 3, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 9:00 a.m.

(1)

UDOT UPDATE

No one was present to discuss this matter, therefore it was passed.

(2)

KENDRA GUNTER REQUEST FOR DONATION

Commission Chairman Randy Johnson reviewed a letter he received from Kendra Gunter stating that she is qualified to attend the National High School rodeo finals and is requesting a donation to help offset expenses and fees. She noted that she will be representing Emery County and Utah at the rodeo finals.

A motion was made by Commissioner Bevan Wilson to authorize a \$50 contribution to Miss Gunter. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

APPOINTMENT TO ECONOMIC DEVELOPMENT COUNCIL

Economic Development Director Roseanne Fillmore informed the commission that LaRae Leamaster who has been the representative from Huntington has resigned because of family matters. She therefore submits the name of Gayle McDonald to fill the unexpired term of Mrs. Leamaster.

A motion was made by Commissioner Kent Petersen to appoint Gayle McDonald to the Economic Development council to fill the unexpired term of LaRae Leamaster. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

ELMO POLLING PLACE

Emery County Clerk Bruce Funk informed the Commission that he has been requested, by letter, to discontinue the use of the Elmo L.D.S. church as a polling place if possible. Mr Funk informed the Commission that the polling place has been used for a number of years and he would like to send the Stake



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July 3, 1996

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President and Bishop a letter of thanks. He would like to pursue the use of the Elmo Library with an earlier recommendation from the Commission that a camp trailer facility be brought in for the counting judges use during the general election.

Whereupon, a motion was made by Commissioner Bevan Wilson to designate the Elmo Library as the Elmo polling place for the upcoming November 5, 1996, general election and approve the use of a camp trailer facility for the counting judges. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

BUSINESS LICENSE APPROVAL FOR EMERY RECYCLING

Road Superintendent Rex Funk began by informing the commission that the Emery County Road Department is prepared to issue a road encroachment permit. However, they are requesting an annual update on the use of the road. He further informed the Commission that U.D.O.T. as well as Johansen & Tuttle Engineering are working on the entrance curve radius. He further recommended to the Commission that the County Road Department do the road widening and the alteration to the access curve radius.

Responding to the Commission, Mr. Funk indicated that there has been no public comment or concern expressed to him over the project. He also asked that Emery Recycling obtain the necessary right-of-ways along the south side of the road.

At this time Planning and Zoning Administrator Bryant Anderson presented, with his recommendation for approval, a business license for Emery Recycling. Discussed, was that the license be separate and apart from the large scale site plan approval. Also discussed, was the business license fee, Commissioner Wilson noted that the Planning Commission is reviewing fees in conjunction with the premiss occupation licensing.

Therefore, a motion was made by Commissioner Bevan Wilson to approve the business license request for Emery Recycling. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

RATIFICATION AND SIGNING OF MODIFIED RESOLUTIONS 6-19-96B & 6-19-96C

It was noted that Commissioner Randy Johnson, was approved in the commission minutes of June 5, 1996 and authorize to sign any resolutions or paperwork in regards to the zoning change from A1 to I1 and the large site plan for Emery Recycling.

These resolutions, 6-19-96B and 6-19-96C, have been prepared and previously signed by Commissioner Johnson and therefore motion was made by Commissioner

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July 3, 1996

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Bevan Wilson to ratify the signing of those two resolutions. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

RATIFICATION OF MEMORANDUM OF UNDERSTANDING BETWEEN USDA FORREST SERVICE,  
MANTI LASAL NATIONAL FORREST AND THE BOARD OF COUNTY COMMISSIONERS

Commissioner Randy Johnson noted that this is the same type agreement that was recently signed with the B.L.M. It is a significant document in putting Emery County in the forefront of the planning process. The original agreement was signed during a meeting at Bear Creek Campground held on June 26, 1996.

Therefore, a motion was made by Commissioner Kent Petersen to ratify the signing of that agreement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

APPROVAL OF PART-TIME EMPLOYEE FOR MUSEUM

Janet Petersen of the museum board came before the Commission stating that the museums are a great asset to the county. There have been countless work hours donated by volunteers. The museum board appreciates the help the County has given them in paying for the utilities.

For the past four years they have received help from the Green Thumb program. There have been four and sometimes five people involved in that program. Part of the Green Thumb program is that, in good faith, recipients will eventually hire one or more of the employees. With government cut-backs and an increase in the minimum wage it is felt that, if the county does not accept this responsibility, we could loose all participation. The museum board requests that the Commission allow Joe Norton to be hired as a part-time employee at 25 hours per week. The Commission indicated that the policy allows only up to 20 hours in order to avoid paying benefits. Discussed was the length of employment and the recruiting process.

A motion was made by Commissioner Kent Petersen to accept the recommendation to hire Joe Norton for up to 20 hours per week for up to 90 days. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. Also included in the motion was that Commissioner Kent Petersen be authorized to sign the time sheet and approve all scheduling of Mr. Norton's time.

The commission discussed options of permanent financing. County Attorney David Blackwell reviewed how the library might participate through displays of prehistory books, they could pay rent or other fees and share services. Commissioner Randy Johnson indicated that Auditor Ross Huntington has informed him that the library is not financially able to carry all the costs for operating the museum itself.

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July 3, 1996

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Commissioner Kent Petersen discussed the County's use of the museum and its benefit to Castle Dale, the County and the people. It was the consensus of the Commission that they further review a permanent funding source for the museum facility.

(9)

CITIZEN CONCERNS

Arvel and Maxine Minchey discussed his grandfather, Pleasant Minchey, who settled on the muddy creek area and was buried there along with twelve other people. He discussed the activities that his family had planned. They would like to fence off the area and make other improvements and would provide a survey. The burial plot is about 60 feet by 60 feet and is approximately 200 yards off the county road. They request that the County provide a culvert and help in improving the road. The Commission suggested that Road Superintendent Rex Funk meet with Mr. and Mrs. Minchey and identify the project, do any necessary research on the road right-of-ways and then bring back a recommendation to the commission.

(10)

CONTRACT FOR INTERNET / NETWORK SUPPORT

Mr. Joel Dorsh from Omni-Com came before the Commission to discuss a rough draft of the agreement for Internet/network support between Omni-Com and Emery County. The Commission recommended some changes to the document in regards to the services they provide to the library; these should be covered under a separate agreement. Also recommended was that the Data processing department be the contact person and coordinate and schedule the activities of Mr. Dorsh and Mr. Frisbie as well as handle the billing. Others recommended that additional areas of the agreement to be modified as well. Commissioner Bevan Wilson suggested that the document be redrafted and presented at the next commission meeting. Also discussed was GIS and Omni/Com's responsibility and it was determined that it would be a part of the on going agreement.

Whereupon, a motion was made by Commissioner Kent Petersen to continue in the use of Omni-Com and that the document be redrafted and resubmitted to the commission for final approval. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

ELECTION NIGHT TELEVISION COVERAGE

Commissioner Randy Johnson expressed his appreciation to Mr. Joel Dorsh and Mr. Willie Frisbie for their election night coverage and the broadcasting of election results over channel 26. He added that it was an important service provided to the public and noted that it eliminated a lot of local inquires to the clerks office. The commission discussed helping to enhance the coverage through additional software.

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July 3, 1996

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(12)

FERRON AND ORANGEVILLE REQUEST FOR ANNUAL CONTRIBUTION

Auditor Ross Huntington noted that in 1995 each community received an automatic \$250 to help with their annual celebrations and did not have to submit a request to the commission for the contribution. However, the money for those kind of contributions was not budgeted for 1996, but has been given upon request to the Commission. At this time Ferron and Orangeville each have requested that the county contribute \$250 for their 1996 celebrations.

Whereupon, a motion was made by Commissioner Kent Petersen to grant a contribution of \$250 each to Ferron and Orangeville for their annual celebrations. Those funds are to come from the dues and contributions budget. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

REPORT OF TRI-STATE CATTLE CONFERENCE

Commissioner Bevan Wilson noted that he requested this matter be placed on the agenda to report on a meeting he attended in Coalville Utah. The Summit County Commission coordinated the meeting and plan to set another meeting in August at the Park Hotel in Ogden and invite not only county commissioners from Utah, Wyoming, and Idaho, but all the state and local cattle associations as well. The purpose of this meeting will be to discuss the depressed cattle industry, the options and possible solutions and the impact on rural agriculture. He discussed the four major meat packers who have also gone into the feed lot business and therefore seem to be controlling the retail and wholesale price of beef. He expressed concern over the low price of beef when there has been little or no change in the retail market.

(14)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT WITH UDOT FOR SR-10 TO LAWRENCE PROJECT.

Commissioner Randy Johnson indicated that he received a call on July 2 reporting that UDOT has moved to the signing stage of the cooperative agreement for SR-10 to Lawrence project. The figures have been corrected and he has confirmed those with Craig Johansen of Johansen & Tuttle Engineering who recommends signing it.

The counties share of the project will be \$39,247. Those funds have been budgeted in the class B road budget.

Whereupon a motion was made by Commissioner Kent Petersen to approve the agreement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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July 3, 1996

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(15)

COUNTY LEGISLATIVE COORDINATOR

Commissioner Kent Petersen noted that, in a recent UAC board meeting, they discussed the need to appoint a county legislative coordinator. This person will be responsible to send and receive information from UAC on legislative matters. Commission Chairman Randy Johnson recommended that this responsibility remain with the commission since they are speaking for the county.

Whereupon, motion was made by Commissioner Bevan Wilson to appoint Commission Chairman Randy Johnson as the legislative coordinator for the county for the next legislative session. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

ROAD DEPARTMENT LANDFILL ITEMS

No items were presented to the commission at this time.

(17)

WEED & MOSQUITO DEPARTMENT REQUEST

Commissioner Bevan Wilson reported that he has met with Weed & Mosquito Supervisor James Nielsen and discussed increased demands for spraying at the Green River Golf Course and the need to also have a truck available to spray along county roads. Mr. Nielsen has requested that new equipment be purchased and placed on the new truck recently acquired by his department, enabling the old truck and equipment to be used for highway spraying. The anticipated cost for the new equipment would be approximately \$9,000.

After further discussion it was the motion of Commissioner Bevan Wilson to authorize the Weed and Mosquito Department to purchase the necessary spray equipment to be installed on the new truck up to \$9,000. The motion was seconded by Commissioner Kent Petersen and approved by all members present. Those funds will come out of the Capital Replacement fund.

Mr. Nielsen has further requested the use of a county vehicle. Sheriff Lamar Guymon indicated that one will soon be available from his department. Therefore a motion was made by Commissioner Kent Petersen that a vehicle be transferred from the Sheriff's Department when it becomes available for use in the Weed & Mosquito Department. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(18)

AUDITOR'S BUSINESS

Auditor Ross Huntington presented to the Commission for their consideration

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July 3, 1996

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Warrant/Check Edit List #91830 through and including #91974 for payment. The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
50-96	New office furniture - Commission	\$ 7,185.00	Approved
51-96	1995 Ford F-350 XLT Type I Ambulance	74,000.00	Approved

The following disposition of fixed asset forms were presented for Commission consideration:

- Motorola Terminal, fixed asset #4981, from the Justice Court, to be junked.
- 86 PSX 200 Radio, fixed asset #4778, from the Road Department, to be junked.
- 86 PSX 200 Radio, fixed asset #4774, from the Road Department, to be junked.
- Loop Monitor model #TC9030022, no fixed asset tag, unknown debarment was left in the hall by the Data Processing room, to be junked.

(19)

COMMISSION MINUTES

Minutes of the June 5, 1996 commission meeting were presented. Whereupon, motion made by Commissioner Kent Petersen to approve the minutes as amended. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Minutes of the July 1, 1996 canvass of the June 25, 1996 primary election were presented. Whereupon, a motion was made by Commissioner Kent Petersen to approve the minutes as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Minutes of the June 19, 1996 Commission meeting were tabled by motion of Commissioner Kent Petersen in order to allow for sufficient time to review them. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

PERSONNEL ITEMS

Emery County Personnel Director Pat Snowball presented to the commission for

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their consideration of the following:

Sheriffs Office - The Sheriff wishes to fill two vacancies left by Norman L. Vuksinick and Loury Hansen. Presented for consideration and approval are the following:

Gregory Funk, Dispatch 1, 10-A, \$9.85/hr  
Shon Bell, Dispatch 1, 10-A, \$9.85/hr

These prospective employees will be career service and upon approval will begin service 7/5/96.

Sheriff Guymon further informed the Commission that these are the last candidates in the hiring pool and one of them is in the process of being POST certified. A motion was made by Commissioner Kent Petersen to approve the hiring of Gregory Funk and Shon Bell as Dispatch 1, effective 7/5/96. The motion was seconded by Bevan Wilson and approved by all members present.

RSVP - Presented for consideration and approval is Alberta knight in an up to 9-month temporary capacity at a rate of \$6/hr starting 7/5/96.

Ms. Knight will be the RSVP coordinator for Grand County. She will operate the program there in conjunction with the Emery County RSVP. Commissioner Randy Johnson noted that he is comfortable with the program and recommended the continued implementation and support of it at this time.

Commissioner Bevan Wilson noted that at the next contract period the responsibility for filling this position should be given to Grand County along with their portion of any monies received in the RSVP program.

Therefore, a motion was made by Commissioner Kent Petersen to approve the up to 9-month temporary hire of Alberta Knight at the rate of \$6/hr effective 7/5/96, noting that her employment would expire at any time prior to that upon the expiration of the agreement with Grand County. The current agreement will end December 31, 1996. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Weed and Mosquito Department - Presented for consideration and approval is Cato Wagner in an up to 90-day temporary capacity at a rate of \$8.25/hr starting 7/1/96. A motion was made by Commissioner Bevan Wilson to approve the hiring of Cato Wagner in the above mentioned position. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Bret Mills - Presented for consideration and approval is the updated Belo Agreement between Bret Mills and Emery County. Auditor Ross Huntington explained the request is for a 4% increase. Mr. Mills' present pay is \$11.58/hr for the first 40 hours worked and \$17.38 for the next 10 hours of overtime which is guaranteed for a total of \$1,273.80 for 100 hour

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pay period. The new rate with the 4% increase would be \$12.04 for the first 40 hours and \$18.06 for the overtime or 1,324.40 per 100 hour pay period.

Having been reviewed by the Commission and a recommendation to proceed having been given by the Sheriff and others present, a motion was made by Commissioner Bevan Wilson to approve the 4% increase as presented by Auditor Ross Huntington. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(21)

COMMISSION REPORTS

Commissioner Randy Johnson - Commissioner Johnson indicated that he will be traveling to Houston Texas to attend training in public education as part of his position on the Board of Director's of the Western Counties Resource Policy Institute. This was discussed in the Commission meeting minutes of June 5, 1996, item #12.

(22)

OTHER BUSINESS

Sheriff Lamar Guymon questioned the commission on whether improvements are going to be made on Hastings road in the Green River Area and the possible loss of Class B road funds. The Commission will look into the matter further.

(23)

CASTLE COUNTRY TRAVEL REGION BROCHURE

Commissioner Bevan Wilson reviewed the Castle Country Travel Region Brochure. This having been discussed in the commission meeting of June 19, 1996 item #11. He noted that they will meet next week and will discuss the projects on their printing list for 1997. They have invited a number of other groups for their input on the brochure.

(24)

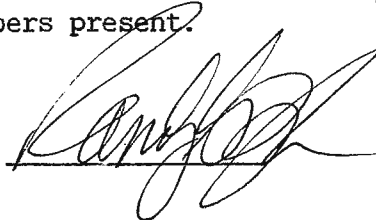
ADJOURN REGULAR COMMISSION MEETING AND CONVENE

Motion was made by Commissioner Kent Petersen to adjourn the regular meeting of the Emery County Commissioners at 11:30 a.m. The motion was seconded by Commissioner Bevan Wilson 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

July 17, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission chairman Randy Johnson at 4:00 p.m.

(1)

PERSONNEL ITEMS

No items were presented.

(2)

AUDITORS BUSINESS

Auditor Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #92438 through and including #92616 for payment. The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
52-96	S-Scort III suction units for Green River Ambulance	\$826	Approved
53-96	Furniture for Huntington Senior Citizen Center	\$1,755.70	Approved
54-96	To validate receipts for tax payments	\$740	Approved
55-96	1 International 140 Pay Hauler	\$14,500	Approved

The following disposition of fixed asset forms were presented for Commission consideration:

- Fixed asset #4782, 86 PSX 200 Radio, from the Road Department to be junked.

Motion to approve the warrants for payment, requisitions for purchase and dispositions for disposal was made by Commissioner Bevan Wilson; seconded by Commissioner Kent Petersen and approved by all members present.

2  
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(3)  
CITIZEN CONCERNS

No items were presented for discussion.

(4)  
CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR BAILIFF SERVICES TO THE DISTRICT COURT

County Attorney David Blackwell presented to the Commission for their consideration a memorandum of understanding for bailiff services to the District Court, wherein the State of Utah reimburses Emery County for bailiff services. The amount of the agreement is \$4,500. This is the same as in years past.

A motion was made by Commissioner Kent Petersen to accept the memorandum of understanding as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)  
CONSIDERATION AND APPROVAL OF OMNI/COM CONTRACT FOR INTERNET/NETWORK SUPPORT AND MAINTENANCE.

No one from Omni/Com was present to discuss this matter. It was recommended by County Attorney David Blackwell that it be tabled until the next commission meeting in order to allow Willie Frisbie of Omni/Com and Assessor Jim Fauver to review the revised agreement.

A motion was made by Commissioner Bevan Wilson to table this matter until the next commission meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)  
INTERLOCAL COOPERATION AND CONTRACT AGREEMENT BETWEEN SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, AREA AGENCY ON AGING, AND EMERY COUNTY

Presented to the commission for their consideration was the interlocal cooperation and contract agreement between Southeastern Utah Association of Local Governments, Area agency on Aging and Emery County. Attorney David Blackwell has reviewed the agreement and found it to be consistent with previous years agreements and recommends its approval.

Whereupon, a motion was made by Commissioner Kent Petersen to approve the agreement as presented. The motion was seconded by

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(7)  
STATE COURT CONTRACTUAL AGREEMENT FOR FISCAL YEAR 1996-97

Clerk Bruce Funk presented to the commission for their consideration a State court contractual agreement for the fiscal year 1996 - 1997. This agreement covers services provided by the county in operating the district court. The amount of the contract this year is for \$118,000. The clerk also informed the commission that a clause has been added stating that when the county goes on the State court computer system, those revenues will no longer be received. The new agreement also requires 20 hours of training for each staff member in working in the courts.

A motion was made by Commissioner Kent Petersen to approve the contract agreement as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)  
PROBATION OFFICE SPACE RENTAL

Clerk Bruce Funk presented to the commission for their approval a space reimbursement agreement, wherein the State of Utah pays the sum of \$990 to Emery County for use of office space as a probation office. This agreement is the same as last years.

A motion to accept the agreement as presented was made by Commissioner Kent Petersen; seconded by Commissioner Bevan Wilson and approved by all members present.

(9)  
BLM UPDATE ON ACTIVITIES WITHIN EMERY COUNTY

Penny Dunn of the BLM gave the commission an update of those activities that the BLM is involved with. She began by noting that \$2,500 has been provided in the budget for Emery County for weed eradication.

The environmental impact study for the U.S. Gypsum Mine near Kimble Draw will be available next week. Also discussed was the river gas environmental impact study which would affect Emery County. This covers the coal bed methane, and will be ready for distribution possibly in September.

Right-of-ways along Lone Tree Ridge were discussed. This is for Pacificorp's exploratory drilling to determine the edge of the coal fields.

There will be a meeting on July 18, 1996 at 10:00 a.m. at the Price Forest Service Office where they will discuss coal and

invitation was extended to the commission to be in attendance.

Ms. Dunn also discussed relocation efforts of burros and horses. She reported that the range is in poor condition. Because of few storms in the area, it is spotty and there is low or no production. They will be holding back the fall allotments until they can do an assessment on what kind of use should be permitted.

Ms. Dunn and Road Supervisor Rex Funk discussed clean up of the dump located near Castle Dale. Concern was expressed regarding archeological studies that are required on adjacent private property as well as BLM land when projects include or go through BLM property. It was decided that Blaine Miller from the BLM would be invited to the next public lands meeting on August 13, 1996. Ms. Dunn emphasized that the archaeologists do a visual inspection only.

(10)

DISCUSSION OF UACIM RISK REVIEW FOR EMERY COUNTY CONDUCTED JUNE 6-7, 1996

Commissioner Kent Petersen received a letter from David L. Nelson, prevention manager of the UACIM, dated July 2, 1996, regarding the results of a risk review done on June 6-7, 1996. His recommendations are as follows:

- 96-1 Instruction in emergency evacuation from the county courthouse should be given to all building occupants. It would be advisable to conduct an occasional emergency exit drill from the building. Uniform Fire Code: Appendix I-B(27) (Important)
- 96-2 Please require groups, organizations and other such users of your county facilities to show evidence of adequate liability insurance coverage. UACIM now offers a Tenant Users Liability Insurance Program (TULIP) of which complete information was sent to your county insurance coordinator. That policy should name your county as an additional insured. (Important)
- 96-3 In order to reduce the potential for broken or chipped windshields caused by rocks and/or debris falling from county vehicles, please clean the vehicles (rear bumper, bed, wheels, etc.) of all loose materials with a broom before driving the truck on roadways. (Important)

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Standards in total or in an adapted form. These standards have recently been completed in a project sponsored by the Utah Association of Counties in conjunction with the Utah Sheriffs Association.  
(Important)

Discussion of these recommendations raised a number of questions. Commission Chairman Randy Johnson recommended that this letter with it's recommendations be referred to the Emery County risk committee for review and to report back with recommendations.

A motion was made by Commissioner Bevan Wilson to refer this matter to the Emery County Risk Committee for their recommendation. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

ROAD DEPARTMENT BUSINESS

Road Superintendent Rex Funk reviewed with the Commission the activities of his department. Of particular interest was the route of the power line to the landfill and the need for power at the pump and water storage facility for Castle Valley Special Service District.

(12)

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE ISSUANCE OF UP TO \$20,000,000 OF ENVIRONMENTAL IMPROVEMENT BONDS ON BEHALF OF PACIFIC CORP.

Commissioner Kent Petersen made a motion at 5:05 p.m. to adjourn the regular commission meeting and open the meeting for public comment on the proposed issuance, by the County, of up to \$20,000,000 of environmental improvement bonds on behalf of Pacific Corp. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The time was turned over to David J. Stevens of Chapman and Cutler who is bond counsel on this issue. He noted that notice had been properly provided both in the news paper and elsewhere. PacificCorp would like to prepay and have refunded a portion of the taxable bonds that the county issued back in March of 1996. Those were temporary bonds. The County has received a \$5,000,000 allocation. Today the company requests that the County issue \$5,000,000 in tax exempt bonds to retire a portion of these bonds that were issued back in March. The goal is to get another \$5,000,000 at the August meeting of the States private activity bond commission meeting. These bonds would refund the remaining of the March bonds at that time and result in one large bond

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Tom Alexander, general business manager of PacifiCorp clarified the reason for two sperate issuances of bonds. Commission Chairman Randy Johnson expressed appreciation to PacifiCorp in being up front and proactive in helping the Commission understand these issues.

Mr. Stevens indicated that the County would get approximately \$11,000 on this issue which would be credited to the fee of the final public offering.

Whereupon, there being no other comment, a motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to close the public hearing at 5:10 p.m.

(13)

APPROVAL OF RESOLUTION 7-17-96 AUTHORIZING THE ISSUANCE AND SALE OF \$5,000,000 ENVIRONMENTAL IMPROVEMENT REVENUE REFUNDING BONDS

Commission Chairman Randy Johnson read aloud proposed resolution 7-17-96 which authorizes the issuance and sale of up to \$5,000,000 environmental improvement revenue refunding bonds, series 1996A of Emery County and authorizing execution, delivery and distribution of the necessary documents in providing for related matters.

Whereupon, a motion was made by Commissioner Kent Petersen to adopt resolution 7-17-96 and approve the issuance and confirmed sale of up to \$5,000,000 environmental improvement revenue refunding bonds. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

UTAH DEPARTMENT OF TRANSPORTATION UPDATE ON ACTIVITIES WITHIN EMERY COUNTY

Kleston Laws of the Utah Department of Transportation met with the commission and gave them an update on those activities that the State highway department is involved with. They discussed a number of STIP projects which the commission had earlier reviewed.

The Commission had previously, by a motion of Commissioner Kent Petersen, asked that Road Superintendent Rex Funk review those STIP projects and make a recommendation to the Commission and that Commissioner Randy Johnson be authorized to sign a letter of support in behalf of the Commission. The motion was seconded by Bevan Wilson and approved by all members present.

Mr. Law reviewed the STIP projects and UDOT's involvement. The

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support and would do so by letter.

Truck traffic on Highway 10, particularly coal trucks and the excessive speeds at which they are traveling, the noise they are causing and that they are traveling in convoys, was discussed and concern was expressed to Mr. Laws. Also noted was that those truck haulers are paying the fuel tax in Salt Lake.

The Commission expressed their appreciation to Mr. Laws in being in attendance and updating them in regards to these matters.

(15)

CARBON COUNTY RECREATION REQUEST FOR INPUT

Carbon County Recreation has asked, by letter, for a response from Emery County concerning their involvement in outdoor tours which overlap into Emery County. That board had requested the response before their July 17th meeting which is today. Commissioner Bevan Wilson noted that the Economic Development Director Roseann Fillmore was asked to draft a response to be presented for Commission consideration.

The Commission recommended that the letter be further reviewed and that a stronger emphasis be made in some of their areas of concern. The Commission recognized and noted their appreciation of Carbon Recreation's willingness to get input from Emery County.

It was noted that they are doing a lot of tours in Emery County and concern was expressed that there is possibly some conflict with private enterprise.

Whereupon, a motion was made by Commissioner Bevan Wilson that the Commissioners each review the draft letter further, make their recommended changes and then a final letter be written and Commissioner Randy Johnson be authorized to sign it on behalf of the Commission. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

APPROVAL OF COMMISSION MINUTES DATED JUNE 19, 1996

A motion was made by Commissioner Bevan Wilson to approve the minutes of the regular Commission Meeting held on June 19, 1996 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

A motion was made by Commissioner Kent Petersen to approve the minutes of the regular Commission Meeting held on July 3, 1996 as

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and approved by all members present.

(17)  
COMMISSION REPORTS

Commissioner Bevan Wilson - Commissioner Wilson discussed the paving of the Huntington north loop and the road from the Ferron Stake Center South to U10. These two projects are being done by the Emery County Special Service District #1. He has met with Road Superintendent Rex Funk and Jimmy and Sally Atwood in regardt to Staker Lane in Elmo, in order to obtain the necessary right-of-ways. Those roads will be under construction in the next two to three weeks.

Commissioner Kent Petersen - Commissioner Petersen discussed the activities of the Road Department in improving the parking at the ball complex. Some of the work was done in conjunction with the road work being done on the Huntington north loop by the Special Service District #1. Also noted was the improvements to the ball diamonds.

Commissioner Randy Johnson - Commissioner Johnson discussed the upcoming application to the PCIFB on the GIS grant. The question was whether this was on the priority list of the County and if we could get it on before the application. Commissioner Kent Petersen noted that this may have been on the list in prior years. The Commission felt that they need to look at it and make sure that it is on the upcoming priority list.

Whereupon, a motion was made by Commissioner Bevan Wilson to authorize Commissioner Randy Johnson to sign the PCIFB application. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

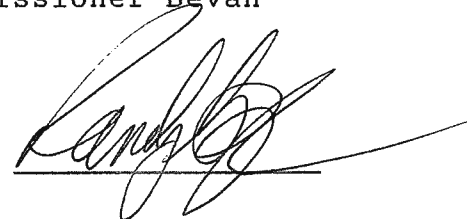
(18)  
MEETING ADJOURNMENT

A motion was made by Commissioner Kent Petersen to adjourn the meeting at 5:58. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST



CHAIRMAN





ComMin8-7-96

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

August 7, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 9:00 a.m.

(1)

RON AND DIANE BARNEY - RECYCLING METAL AT COUNTY LANDFILL

Mr. Ron Barney addressed the Commission in regards to them handling the scrap metal that is accumulating at the landfill. He reviewed previous discussions and correspondence in regards to the metal pile at the landfill where he has offered to put in a dump bin and dock, but has indicated he had no favorable response and the material has continued to accumulate. It is his desire to buy the material.

Commissioner Bevan Wilson recognized prior problems with salvage of the metal, noting that he has received several requests from others to purchase the material.

Road Superintendent Rex Funk discussed a roll off bin would be satisfactory, but he expressed his concerns over the public dumping into such a facility. He recommended that the public continue dumping as they are and the landfill people would sort the material and dump it into the roll off bin.

Commissioner Kent Petersen suggested that the county proceed in disposing of the metal to Mr. Barney for the balance of the year under the existing memo. (May 21, 1996, Mr. Barney has not been in compliance since last December)

It was the recommendation of Commissioner Wilson and the consensus of the Commission that they visit the landfill. The Commission will get back to Mr. Barney in the next 30 days with a response.

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(2)  
CONSIDERATION AND APPROVAL OF OMNI-COM CONTRACT FOR  
INTERNET/NETWORK SUPPORT AND MAINTENANCE

Emery County Assessor Jim Fauver noted that he has talked to Joel Dorsch at Omni-Com who indicated that they have no problems with the agreement and will bring back a signed copy today. Emery County has also been advised, by letter, from Emery Telephone that they be considered for Internet/Network support and maintenance. Mr. Fauver recommended proceeding with Omni/Com through the end of this year or for a one year period. Since Omni-Com put in the system they understand it. Emery County Attorney David Blackwell has reviewed and amended the original agreement, and recommended it for approval.

The Commission, after reviewing the agreement made one additional minor change. After which, motion was made by Commissioner Kent Petersen to approve a one year contract with Omni/Com authorizing Commissioner Randy Johnson to sign the same when ready. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)  
DONATION TO CHILD ABUSE PREVENTION BENEFIT AIRSHOW

Mr. Andy King and Mr. Kevin Robison were present and discussed the Child Abuse Prevention Benefit Airshow, set for Saturday, September 7, 1996, in Carbon County. The proceeds will be given to the local chapter of child abuse prevention.

He discussed the importance of the kids having demonstrations of this kind of technology brought into the area in hopes that it will generate possible vocational interest in areas of math and science. They stressed that this is not just a Carbon County Show, but is being put on to benefit the entire area. He also discussed their intention to have the aircraft fly over Emery County in order to increase local interest and awareness.

He noted that the costs for the airshow are anticipated to be \$12,000 - \$14,000 and he is requesting a donation from Emery County of \$3,000.

The Commission informed Mr. King that typically the County contributes \$250 for these kinds of events. Action was postponed until later in the meeting, after which a motion was made by Commissioner Kent Petersen to support the airshow and make a donation of \$400. It was suggested to Mr. King that if this is

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going to be an annual event, he should get his request for donation into the County prior to the budget process which begins the first of October. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

CITIZEN CONCERNS

There were no concerns brought before the Commission at this time.

(5)

CONSIDERATION AND APPROVAL OF FY97 CONTRACT BETWEEN EMERY/GRAND RSVP AND THE SOUTHEASTERN UTAH AAA

Carolyn Randall reviewed for the Commission the purpose of the contract. She indicated that it is a yearly contract and is the same as last year's. It is a pass through grant in the amount of \$5,225 and requires signature of the Commission Chairman.

A motion was made by Commissioner Bevan Wilson to approve the grant contract as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

APPROVAL OF BUSINESS LICENSE

Clerk Bruce Funk presented an application for a business license from Jeff C. Staley of Emery, Utah. Mr. Staley wishes to operate a welding and fabrication business under the name of M.P.D.

The application has been reviewed and approved by Planning and Zoning Administrator Bryant Anderson.

Therefore, a motion was made by Commissioner Kent Petersen to approve the business license application as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(7)

CONSTITUTION DAY (SEPTEMBER 17, 1996)

The Commission read a request received from Jordan Ruzicka, a 13 year old who is working on his eagle scout project. He is working to set September 17, 1996 as "Constitution Day" in Utah recognizing the signing of the United States Constitution on September 17, 1786.

The Governor has recognized this date as well as other State governmental agencies. Mr. Ruzicka's effort is to have all government agencies in the State recognize this date as well.

Whereupon, a motion was made by Commissioner Kent Petersen to recognize and set aside September 17, 1996 as Constitution Day. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. The Commission agreed to, by letter acknowledge the receipt of Mr. Ruzicka's request and inform him of the action of the Commission.

(8)

ACQUISITION OF MOBILE HOME FOR HUNTINGTON AIRPORT

Commissioner Bevan Wilson noted that the Emery County Municipal Building Authority owns the existing fire damaged mobile home located at the Huntington Airport. The insurance company has now settled and made payment on that home. The Building Authority has received bids on a replacement home.

The question before the Commission, at this time, is whether the replacement should be made through Emery County or under the Municipal Building Authority. The Commission noted that the airport facility is owned by the County and the mobile home is required for reasons of security, to monitor activities at the airport and to better serve the users. There was some question as to whether there was a benefit in the Building Authority owning such a facility.

There being no benefit, a motion was made by Commissioner Bevan Wilson to have Emery County purchase a replacement manufactured home with funds from the Capital replacement fund with the Building Authority to keep the money received from the insurance company for the mobile home that was damaged in the fire. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Pat Snowball discussed an earlier meeting with Commissioner Wilson, herself, Clerk Bruce Funk, Planning and Zoning Director Bryant Anderson and Auditor Ross Huntington, in which they reviewed the bids received on the replacement home and Mr. Funk was directed to contact the two dealers in Price who offered the best pricing. Mr. Funk was able to obtain a final proposed offer of \$35,655 for a Champion, model #662 and Mrs. Snowball requested authority to proceed in the purchase.

The Commission discussed the options available with the home and

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it was the consensus of the Commission that the interior be of sheetrock and texture rather than paneling. Whereupon a motion was made by Commissioner Bevan Wilson to proceed with the purchase of the Champion, model #662 for \$35,655. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Bevan Wilson discussed the need to readdress the management contract at the airport. The previous contract includes use of the old home. There are concerns about the new home; how to best manage it and who should resided in and use it. The Commission directed Pat Snowball to continue developing recommendations in regards to the home and to get input from the county attorney and Kevin Robison at the airport and have them ready to present at the next commission meeting.

(9)

APPROVAL OF CONTRACT WITH STATE OF UTAH REGARDING GRANT FOR JOB NEEDS SURVEY

Commissioner Randy Johnson noted that the State of Utah requires a contract even though this is grant money. County Attorney has reviewed the contract and finds it satisfactory noting that it requires signature in order to receive the grant money.

Whereupon, a motion was made by Commissioner Kent Petersen to accept and authorize the Commission Chairman to sign the contract on the job needs survey. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

ROAD DEPARTMENT / LANDFILL ITEMS

A - Buffalo Bench Road

Road Superintendent Rex Funk noted that the Emery County Special Service District #1 has completed the Buffalo Bench Road and by signing the acceptance the County acknowledges satisfactory completion of the road and accepts it back into the County road system.

A motion was made by Commissioner Kent Petersen to approve and accept back into the County road system the Buffalo Bench Road. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

**B - Des Bee Dove Mammoth Canal Crossing**

Road Superintendent Rex Funk pointed out that the bridge over the Mammoth Canal on the Des Bee Dove Road, just above highway 29 is a low profile, narrow bridge, with disintegrating concrete. Together with the needed road improvements, the project is anticipated to cost \$70,000. There is money to cover this in the flood budget.

A motion was made by Commissioner Kent Petersen to authorize Road Superintendent Rex Funk to proceed with the construction of the Des Bee Dove Mammoth Canal Crossing. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Mr. Ross Huntington of the Cottonwood Irrigation Company at this time informed the Commission that the canal company has not signed-off on the project. There were a number of concerns regarding the flow of culinary and secondary water to Castle Dale in addition to irrigation needs. Therefore, it was the agreement of the Commission that this approval be provided contingent upon Irrigation Company approval. Mr. Huntington suggested that they consider waiting three years until the new processing plant is completed above Orangeville, which would eliminate the problem with culinary water. Also irrigation water would possibly be piped and such a bridge structure would not be necessary. He also suggested that a culvert would be less expensive. Commissioner Wilson pointed out that the Condition of the crossing is such that it can not wait three years and that written into the contracts would be the need to coordinate with the Irrigation Company. Road Superintendent Rex Funk agreed to meet with the Irrigation Company.

The estimated cost for a new dip crossing in Ferron Canyon above Millsite Reservoir is \$67,000. The design was discussed. It was the consensus of the Commission that Commissioner Kent Petersen look over the project and come back to the Commission with a recommendation.

**C - Muddy Creek Grave Site**

Mr. Funk also reviewed the request that the Commission previously received from Mr. Minchey who desired that the county open a road into a grave yard on the Muddy. He has visited the grave site which is approximately 1/4 mile off the County road. Johansen and Tuttle Engineering is

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reviewing the project in order to make a recommendation for the route of the road.

Mr. Minchey's request is for the County to put in a road and gravel it after which they would put in a gate with a lock on it. The Commission expressed some deep concern over a locked gate. They also indicated that they would not expend a lot of money on this project.

There was no action required of the Commission at this time it was for their information only.

D - Landfill Water And Power

Road Superintendent Rex Funk informed the Commission that Johansen & Tuttle Engineering is working on the power line to the landfill. He is also proceeding on getting the water to the landfill also

Whereupon, a motion was made by Commissioner Bevan Wilson to approve and authorize the negotiations with UP&L on the power line and others in regards to getting the water line from the water tank to the landfill area. There is sufficient money in the landfill budget. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

CONSIDERATION OF DONATION TO TRI-STATE CATTLEMEN'S SUMMIT

Commissioner Bevan Wilson reported on his recent meetings in Coalville and Heber. He noted that there is an upcoming Cattleman's summit scheduled for August 28, at the Red Lion in Salt Lake City. This is to deal with the crises of the cattle market and it's effect on the local economy. This will include local and state government, State Land Council, Farm Bureau, Cattleman's Association and others. They are asking for a \$400 donation. Further discussed was the concern and impact of the "Big Four" packers on the cattle industry, feed and the marketing. Pat Snowball spoke of the importance and need to support.

Whereupon, a motion was made by Commissioner Bevan Wilson to approve the \$400 donation as requested. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(12)  
AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #992818 through and including #93012 for payment. The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
56-96	Reupholstering of chairs and couch for Nursing Home	\$2,000	Approved
57-96	21 cu. ft. freezer for detention.	\$529	Approved
58-96	New GIS computer to replace UNIX computer, Pentium Pro 200, 64 meg. memory 2 gig. SCSI hard drive Back-up device, etc.	\$4,400	Approved

The following disposition of fixed asset forms were presented for Commission Consideration:

- Fixed asset #4831, 86 PSX 200 Radio, from the Road Department, to be junked.

Motion to approve the warrants for payment, requisitions for purchase and dispositions for disposal was made by Commissioner Bevan Wilson, seconded by Commissioner Kent Petersen and approved by all members present.

(13)  
COMMISSION MINUTES

A motion to approve the July 17, 1996 Commission Minutes as corrected was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

(14)  
PERSONNEL ITEMS

Personnel Director Pat Snowball presented the following items for Commission consideration:



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1. Merit Increases - Wade Nielsen and Marcee Wright have been recommended for merit increases by their department heads.

A motion to approve the merit increases was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

2. Resolution 8-7-96 - An amendment to the Personnel Policy adopted in book form by Ordinance No. 12-16-82D on December 16, 1982, Section 8 - Compensation, paragraphs 8.8 through 8.9.e

Whereupon, a motion was made by Commissioner Kent Petersen to accept resolution 8-7-96 and amend the personnel policy as provided there. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

3. Emergency Exit Plan - Provided to the commission were drawings of the emergency exit plans which would be posted throughout the building. They note paths and directions to be taken during an emergency. She asked permission of the Commission to post.

This is part of the concerns that were addressed by David Nelson in the commission meeting minutes of July 17, 1996 item no. 10 section 96-1.

Whereupon a motion was made by Commissioner Kent Petersen to approve the posting of the emergency exit plans strategically throughout the building. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The Commission further inquired as to section 96-3 of Mr. Nelsons recommendations. Road Superintendent Rex Funk indicated that he would clean loose materials from the trucks before driving onto roadways.

Also discussed was the Tenant Users Liability Insurance Program. Pat Snowball reviewed the great importance of cooperation between the County and the Communities in use of facilities. Such a requirement would disrupt that unity in that municipalities would require the same of the County when the County uses their facilities, the County Fair for example.

Also discussed was Section 96-4 in regards to Jail

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Standards. Emery County Sheriff Lamar Guymon noted that the County has a Jail Policy. The UAC has been working on Jail Standards. This will be put on the agenda at a later time for approval.

(14)

REQUEST FOR DONATION TO EMERY CHEERLEADERS

The Commission received a request from the Emery High Cheerleaders for a donation. This is an interschool activity. It was the consensus of the Commission that this request be denied. Suggested was that Emery High has sufficient interschool capital to meet such requests and that the group should go through the school for that support. Commissioner Randy Johnson will follow-up on this matter.

(15)

COMMISSION REPORTS

Commissioner Kent Petersen congratulated everyone for their work on the County Fair and the up-coming horse races.

Commissioner Bevan Wilson discussed up-coming meetings in regards to House Bill 254. This is a mineral lease bill that was introduced in the last session.

He also discussed the timber harvest which was discussed in the Planning and Zoning meeting and its impact noting that the State will probably step in with regulations which Emery County could adopt.

He also reviewed the curb and gutter work being done at the Huntington ball complex. Johansen and Tuttle has recommended solicitations from local cement contractors; Mike Riley, Ernest Jensen and Nielsen Construction. Nielsen Construction did not bid. The bid from Ernest Jensen was \$10.24 per foot, Mike Riley was \$10.94 per foot. The total amount of the project is approximately \$8,000.

Whereupon, a motion was made by Commissioner Kent Petersen to accept the bid from Ernest Jensen in the amount of \$10.24 per foot and that himself be authorized to sign any additional paperwork necessary to expedite the project. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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He inquired as to the designation of Emery County in the drought program. He will look into the next step in order for farmers to participate.

Commissioner Randy Johnson discussed that the Huntsman World

games are set for the 14th and 15th of October in St. George, Utah.

He also noted the privilege Emery County residents have in that the peoples Christmas tree will be from Emery County and will go back to Washington D.C.

The Emery County Municipal Building Authority received \$750,000 grant for the purchase of the new road shop, renovations at the Nursing Home and purchase of the old church loadout property.

(16)  
ADJOURNMENT

A motion to adjourn the meeting at 12:50 p.m. was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST



CHAIRMAN



MINUTES OF THE REGULAR MEETING  
 OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
 HELD IN THE COUNTY SHERIFF/COUNTY COMPLEX AT  
 45 EAST FARRER STREET IN GREEN RIVER

August 21, 1996

Those present at the meeting were Commissioners Kent Petersen, and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commissioner Kent Petersen at 4:00 p.m. Commissioner Petersen excused Commission Chairman Randy Johnson who is attending meetings in Salt Lake City.

(1)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #93259 through and including #93437 for payment. The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
59-96	Change GIS software license from a UNIX to PC work station. (ratified)	\$ 995	Approved
60-96	21" monitor for GIS PC/NT work station.	\$ 1,000	Approved
61-96	300 gal. sprayer with 11 HP engine and pump.	\$ 8,995	Approved
62-96	1 - Crack Sealer	\$22,400	Approved
63-96	1 - XEROX 5334ZTAST Copier	\$ 7,095	Approved

The following disposition of fixed asset forms were presented for Commission consideration:

- Fixed asset #1665A, Bean, skid mount, spray set up, from Weed & Mosquito Department, transferred to Road Department

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- Fixed asset #1665B, 1980, one ton GMC, VIN #TKM 34 AB5 14190, from Weed & Mosquito Department, transferred to Road Department.

Motion to approve the Warrants for payment, requisitions for purchase and dispositions for disposal was made by Commissioner Bevan Wilson, seconded by Commissioner Kent Petersen and approved by all members present.

(2)

DISCUSSION OF PUBLIC DEFENDER CONTRACT

Emery County Attorney David Blackwell informed the Commission that Emery County Public Defender David Allred has requested, by letter, an increase in his public defender contract because of the increased workload. Mr. Blackwell noted that in 1995 Mr. Allred represented 32 cases and it is projected that in 1996 there will be 40. That is an increase of 20%.

The Commission considered the following options: 1) Increase Mr. Allred's contract based on the increased workload. 2) Re-bid the contract for public defender services which would open the door for him to ask for an increased amount recognizing that others may also submit bids.

After further discussion, it was decided that no action would be taken at this time, but will be looked at in the coming budget session.

(3)

ADOPTION OF UTAH JAIL STANDARDS

Sheriff Lamar Guymon, at the request of the Commission, updated them as to the recommendations of Mr. David Nelson of UACIM. He informed the Commission that jail standards were adopted about 15 years ago and the Utah Association of Counties has recently upgraded those.

A motion was made by Commissioner Bevan Wilson to adopt the Utah Jail Standards as amended in 1995. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4)

APPROVAL OF QUIT CLAIM DEEDS TO RECTIFY AUDITOR TAX DEEDS

Emery County Recorder Dixie Swasey provided to the Commission two Quit Claim deeds. These are necessary in order to clear up title

3

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problems with the auditor tax deeds that were done several years ago. They are as follows: 1) Property in Emery Town, RE: Serial #1-77A-4. 2) Property in Cleveland, RE: Serial #1-59-7.

A motion was made by Commissioner Bevan Wilson to approve and authorize Commission Chairman Randy Johnson to sign the two Quick Claim deeds on behalf of Emery County. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

CITIZEN CONCERNS

There were no concerns presented to the Commission at this time.

(6)

APPROVAL OF CASELLE SYSTEM AND SOFTWARE FOR JUSTICE COURTS

Provided to the Commission was an agreement between Caselle and Emery County to provide software for the Justice Courts in Green River and Castle Dale. The cost would be \$13,375 for the Castle Dale Court and \$11,075 for the Green River Court. This would include the operating software application, training and start-up.

Whereupon, a motion was made by Commissioner Bevan Wilson to approve the agreement and also to notify PMSI that effective September 1, 1996, Emery County will give 90-day notice to cancel all hardware and software maintenance with them. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

CONSIDERATION OF SUBSCRIPTION TO CODE CO'S INTERNET ACCESS TO UTAH LAW

Emery County Attorney David Blackwell informed the Commission that he was not aware that this item was on the agenda.

It was explained that Code Co. provides Internet access to Utah Law at a reduced rate for subscribers with additional subscribers at the rate of \$3.

After further discussion it was the consensus of the Commission that this item would not need to be placed on the agenda for Commission approval. Mr. Blackwell could proceed in subscribing and then present a claim.

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(8)

REVIEW AND REQUEST FOR AUDIT OF EMERY COUNTY FAIR EVENTS EXPENSES

The Commission, having reviewed some claims regarding fair expenses earlier on the warrant list, it was the motion of Commissioner Bevan Wilson to direct Emery County Auditor Ross Huntington to do an audit on the Emery County Fair Events expenses and revenues for the year 1996, and report back to the Commission. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

ROAD DEPARTMENT ITEMS

A - Canal Crossing on the Des Bee Dove Road

Road Superintendent Rex Funk informed the Commission that he and the engineers have met with representatives of the Cottonwood Irrigation Company. (This item was discussed in the minutes of August 7, 1996, item #10-B) They have gone over the types of structures and the concerns that were expressed by Mr. Huntington in the previous Commission meeting. The company has agreed with the design and signed, giving their approval noting that the County is to coordinate with Clyde Magnuson, Daryl Leamaster and Mac Huntington.

B - Huntington Ball Complex Curb and Gutter

Mr. Funk provided, to the Commission, the agreement and invoice between Emery County and Ernest Jensen Construction noting that the curb and gutter has now been completed at the County Ball Complex in Huntington. There was 124 lineal feet at \$10.24 per foot for a total cost of \$10,400. This has been previously approved by the Commission.

C - Water and Telephone

Water and telephone lines from the Des Bee Dove Road (tank site) to the landfill were discussed.

The Road Department will proceed on getting a bid for a foundation for a mobile home to be located at the landfill and a septic tank and leach field. A septic tank, leach field and pad for a campground host to be located at Bear Creek Campground in Huntington Canyon will also be included in that proposal. This is in an effort to get better

pricing. It was noted that there is money in the budget for this.

A motion was made by Commissioner Bevan Wilson to approve the construction of the power and water lines, the pads, septic tank and leach field for mobile homes at the landfill and also at Bear Creek Campground. The motion was approved by Commissioner Kent Petersen and approved by all members present.

D - New Road Shop Building Renovations

Mr. Funk also discussed with the Commission renovations which need to be made on the Utah Power & Light service center which is to be used as the new County road shop and office. They include \$75,000 for parking lot paving, \$15,000 for installation of three overhead doors, \$5,000 for interior and exterior painting, \$2,500 for carpet and pad, \$2,297 for repair on the entrance.

A motion was made by Commissioner Kent Petersen to approve and authorize Road Superintendent Rex Funk to solicit bids and make the necessary renovations to the building as discussed. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

E - Green River Service Station Fuel Tank Spill Clean-up

Mr. Funk informed the Commission that Wasatch Environmental, in cleaning up two fuel sites in Green River, has contacted him about depositing 2,720 tons of fuel contaminated soils in the County landfill. Mr. Funk has recommended that the County could charge from \$7.50 per ton to \$15 per ton. He noted that ECDC would charge \$38 per ton. They have offered to pay \$15 per yard which would be equivalent to \$12 per ton. Mr. Funk noted that this would be an opportunity to generate revenues back to the landfill. They have previously taken deposits of such materials into the landfill and they represent no liability to the County.

Green River Mayor Judy Ann Scott informed Mr. Funk that Wasatch Environmental and others doing the work on that project do not have business licenses in Green River. Mr. Funk indicated that he would follow through on that matter.

A motion was made by Commissioner Bevan Wilson to approve the clean-up and deposit of fuel stained soils in the County



landfill provided they have no long range effect or liability to the County. It was his recommendation that the fee be set at \$15 per ton though he would be willing to work with Mr. Funk in negotiating this. The motion was seconded by Commissioner Kent Petersen and approved by all members present. It was the consensus of the Commission that the Emery County Attorney's office review all contracts in this matter.

F - Re-seeding of Gravel Pits

Mr. Funk informed the Commission that Penny Dunn of the BLM has informed him that re-seeding efforts of the County on BLM gravel pits may not be meeting acceptable standards. They are recommending a mulch at the sites. Mr. Funk asked for direction from the Commission, noting that hydroseed might be a test case in the inactive half of the pit in the Goblin Valley area.

Commissioner Kent Petersen suggested getting other applications and costs and that they make some test cases. His concern is that in an arid region, such as we are in, without the necessary moisture, any method of re-seeding would not produce sufficient vegetation. Commissioner Bevan Wilson recommended and the Commission concurred that an effort be made to get BLM people such as Penny Dunn and Neil Simmons to discuss this at the next public lands meeting which is set for September 10, 1996.

(10)

GREEN RIVER BOUNDARY CHANGE AND INCORPORATION

Mayor Judy Ann Scott informed the Commission that Grand County, by resolution, has protested and will not add to their ballot the proposed annexation of the Grand County portion of Green River City into Emery County. The basis of their decision is that there was insufficient, inadequate, and vague information as to those areas which were to be included. Mayor Scott indicated that she personally delivered petitions and maps to Grand County and they were delivered to the Emery County Clerk's office by Johansen & Tuttle Engineering.

She noted that September 23, 1996 has been set as the final vote on the annexations, that subsequent legislation to house bill 55, which has also passed, put a moratorium on any annexations for 120 days of that bill. The final annexation could not be included in the June 1, 1996 deadline, therefore, the petition

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noted the proposed boundary changes. Her concern is that the people affected are in the Green River City limits and have no representation.

Emery County Attorney David Blackwell discussed those actions which might be considered. However, it was pointed out that this petition was initiated by Green River and that it should be them and their legal counsel who take the lead. Emery County will stay involved and Mr. Blackwell will assist as needed.

A motion was made by Commissioner Bevan Wilson to approve and support Green River in their annexation efforts. The motion was seconded by commissioner Kent Petersen and approved by all members present.

(11)

APPROVAL OF COMMISSION MINUTES

The minutes of the August 7, 1996 Commission meeting were reviewed and corrected. A motion was made by Commissioner Bevan Wilson to approve the minutes as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present. They will be put on the next commission meeting agenda for ratification.

(12)

OTHER BUSINESS

Sheriff Lamar Guymon informed the Commission that the roof on the Sheriff facility in Castle Dale is leaking. He has received two bids; one in the amount of \$28,000, the other, from a local roofer, in the amount of \$13,000. He asked for direction from the Commission. It was the consensus of the Commission that he work together with those roofers and prepare a detailed proposal. This would be reviewed by Commissioner Kent Petersen and Clerk Bruce Funk for a recommendation.

(13)

APPROVAL OF BUSINESS LICENSE

The business license application of Michael Hammond who is operating the business of Zero Cool, Inc. in Elmo, was presented. This is for a refrigeration, heating and air conditioning service.

A motion was made by Commissioner Bevan Wilson to approve the business license application as presented and. the motion was

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seconded by Commissioner Kent Petersen and approved by all members present.

(14)

COMMISSION REPORTS

Commissioner Bevan Wilson

Commissioner Wilson noted that he had received a letter from Mr. Jim Nelson in regards to the drought conditions of the County. The NRCS will make a recommendation to Washington for a formal drought declaration. Commissioner Petersen is assisting a local committee in that designation.

He noted that it is interesting that although there has been good snowfall and sufficient water in the reservoir for crops, the desert and mountain conditions are extremely dry. Grazing permits will have to be terminated 30 to 60 days early. This will result in placing livestock in feed lots and pastures earlier. There will be no winter range.

Commissioner Wilson noted that last year a number of repairs were requested for the Green River Senior Citizens Center. Most of those have been completed. At the time it appeared that the roof would be ok until 1997, however, he and Emery County road maintenance personnel has since reviewed the facility roof and found that it is in need of being retreated. They inquired of Mayor Scott if there are any local contractors who could do the work. She indicated that there were none. Therefore, he requested permission from the Commission to proceed with Bruce Funk, who is in that type of business in the western part of the County.

Commissioner Kent Petersen

Commissioner Petersen discussed the People's Christmas Tree, which will come from the Huntington Canyon area and be transported to Washington D.C. He noted that all the Emery County Commissioners will be going.

He also noted that work is being done to oppose Interior Secretary Bruce Babbitt's request to add more wilderness study areas.

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(15)

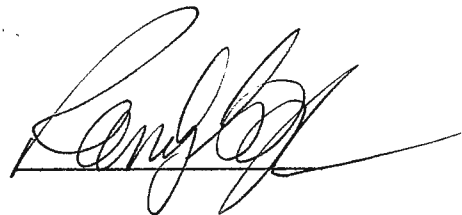
ADJOURN

A motion was made by Commissioner Bevan Wilson to adjourn the meeting at 6:11 p.m. The motion was seconded by Commissioner Kent Petersen 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  
SEPTEMBER 4, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 9:00 a.m.

(1) DISPOSAL OF METAL SALVAGE AT EMERY COUNTY LANDFILL

Road Superintendent Rex Funk discussed with the Commission the need to dispose of the metal salvage at the landfill and also to provide for metal salvage removal on an on-going basis. His proposal to the Commission was to solicit bids for those services with a site showing between September 9, and September 13, 1996. The bidder would be bidding for the existing scrap metal pile. Also that an agreement be made with D & R Salvage to pick up the metal for the next three months. D & R should be expected to provide roll-off bins and insurance. They would bid on the metal at a percentage of the local market value. Mr. Funk read to the Commission the list of those business' that he would submit the invitation to bid to.

Commissioner Randy Johnson and Commissioner Kent Petersen recommended that D&R Salvage, due to their adjacent location to the landfill, dispose of the salvage metal and continue under their prior agreement.

Commissioner Bevan Wilson felt that this needed to go out for bid and that the bid needs to clarify how the material will be picked up at the site, by whose equipment and how the price will be established.

Attention was drawn to the Commission commitment to support local businesses and that invitation to bid should be kept local. The problem needs to be broken down into two areas. The first being the disposition of the existing scrap metal pile. The second being for future metal salvage.

Therefore it was the consensus and direction of the Commission that Road Superintendent Rex Funk prepare for bid the disposal of the existing scrap metal pile and a recommendation as to how to

establish the local market values of mixed metals. A temporary agreement will be entered into with D & R Salvage for metal salvage services. This will be for a period of three months.

(2)

PURCHASE OF CELLULAR PHONE FOR USE IN COUNTY VEHICLES

The Commission reviewed the need to have available a cellular phone for those County employees using the County vehicle on County business. It was noted that in the past there have been times when employees have been stranded in traffic because of flat tires or stalled vehicles.

Therefore it was the motion of Commissioner Bevan Wilson that Commission Chairman Randy Johnson negotiate for the purchase of either a used phone from Ross Huntington or a new phone at his discretion. The calls made from that phone will come from the non-departmental budget. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

PRIVATE USE OF COUNTY EQUIPMENT

Commission Chairman Randy Johnson, noting that we do not want to lose our small-town flavor, wherein the County is able to assist and do some favour, he feels there is a need to reacquaint County employees on the use of County equipment on private property, noting that the County is not in the business of loaning out equipment for private use, also we do not want to create risk management problems. Road Superintendent Rex Funk had discussed some of those possible areas and questioned if they need to be run through the Commission. One of his major concerns was that a number of the communities borrow equipment. Another concern was that local contractors can see County equipment being used in questionable projects.

Therefore it was the consensus of the Commission that a memo go out to all departments in regards to use of County equipment. Also recommended was the installation of the Emery County decals which would serve as an additional deterrent.

(4)

CITIZEN CONCERNS

There were no concerns brought before the Commission at this time.

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September 4, 1996

(5)

AMENDMENT TO THE INTERLOCAL COOPERATION AND CONTRACT AGREEMENT  
BETWEEN SOUTHEASTERN UTAH ASSOCIATION OF LOCAL GOVERNMENTS, AREA  
AGING, AND EMERY COUNTY

Mr. Maughn Guymon indicated a need to re-define the previous budget which was submitted and approved by the Commission

Whereupon a motion was made by Commissioner Kent Petersen to except the amended agreement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

APPROVAL OF REPAIRS TO GREEN RIVER SENIOR CITIZEN'S BUILDING ROOF

Commissioner Bevan Wilson noted that this matter was discussed in the August 21, 1996 Commission Meeting held in Green River, Utah. The commission inquired of Mayor Scott as to local contractors who might be available to do this work. She indicated that there were none. He, therefore asked Bruce Funk, owner of B & T Builders and Supply to submit a proposal. He noted that in 1990 the cost for doing that roof was \$1,875. This time Lance Farmer will be doing much of the repair work. Therefore, Mr. Funk has submitted a bid of \$1,568, but feels that the bid could be less depending on the condition of the roof.

A motion was made by Commissioner Bevan Wilson to accept and approve the bid proposal up to the amount of \$1,400 for painting the Green River Senior Citizens building roof. The motion was seconded by Commissioner Kent Petersen and approved by all members present. The funds will be taken from the Capital Improvements account.

(7)

RATIFICATION OF APPROVAL OF BUSINESS LICENSE

A business license of Michael Hammond, operating the business of Zero Cool was presented at the Commission meeting on August 21, 1996. It was not on the agenda, however the Commission did approve and sign it.

A motion was made by Commissioner Kent Petersen to ratify the action of the Commission in signing that business license application. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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September 4, 1996

(8)

APPROVAL OF TCI CABLEVISION FRANCHISE RENEWAL

Clerk Bruce Funk noted that he was again bringing the franchise renewal agreement before the Commission. This was previously brought to the Commission's attention in May of 1996. At that time there were a number of concerns that Assessor Jim Fauver had as to TCI listing their assets for taxing purposes. Another question was as to the fee. It was pointed out that TCI has very few customers in the County, most of their customers live within the municipalities. The fees are assessed on the number of users at a federally established maximum rate of 5%.

Therefore a motion was made by Commissioner Kent Petersen to approve the TCI Cablevision franchise renewal agreement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

EMERY COUNTY'S ANNUAL GIFT TO THE UAC ANNUAL CONVENTION

The Commission discussed the up-coming UAC meetings to be held in November. The County is to provide a gift for the meetings. It was suggested that a local artist be contacted to provide a knife or a picture. Senior Administrative Assistant Leslie Bolinder was directed to follow up on this matter.

(10)

ROAD DEPARTMENT / LANDFILL ITEMS

Road Superintendent Rex Funk presented information he had received on sign lights to the Commission for their consideration. These were for the Emery County sign located north of Huntington. The present lights on the sign were not designed as weatherproof and they have not held up well.

After discussion it was the consensus of the Commission that the lights be turned off on the sign. They will advise Economic Development Director Rosann Fillmore of their decision.

Mr. Funk read from a letter from the Utah Wilderness Coalition indicating that they have scouts out, but the County is not doing any projects which exceed the limits established.

Mr. Funk also reported that there was a site showing for the projects at the landfill and Bear Creek Campground, also for the carpet and painting project at the new road shop. Three



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September 4, 1996

prospective bidders showed up for the carpet project and two for the painting portion. He discussed with the Commission the need to up-grade the lighting in the facility, the cost of that is anticipated to be \$4,000 to \$4,500,. He would like authorization to proceed. Also discussed were some heating concerns.

Whereupon, a motion was made by Commissioner Kent Petersen to proceed with obtaining the necessary bids on the electrical and heating at the new road shop. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Bevan Wilson discussed the need to have someone in attendance at meetings of the Utah Air Quality Board and Solid and Hazardous Waste. Knowing that information received at these meetings would fall in line with those responsibilities of Road Superintendent Rex Funk in the management of the landfill, Mr. Funk was directed to make a written request to be included on the mailing list for notice of those meetings.

(11)

NATIONAL HOLIDAY TREE AND PLANNED FESTIVITIES

Commission Chairman Randy Johnson reviewed the up-coming activities scheduled with the cutting of the National holiday tree in Huntington Canyon. That will take place on the 19th of November (this date was changed to November 15, 1996 in order to accomodate the Governor of Utah's schedule so that he could be in attendanace). The public is invited. He discussed the ceremony and the local groups that will be involved.

The tree will arrive in Washington D.C. on December 2, 1996. On the 10th there will be a reception there followed by a lighting ceremony. The County Commission will be in attendance.

(12)

AUDITORS BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #93648 through and including #93803 for payment. There were no requisitions or dispositions of fixed assets presented.

A motion to approve the Warrants for payment was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson, and approved by all members present.

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September 4, 1996

(13)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

The minutes of August 7, 1996 were corrected and approved in the August 21st meeting, but because this item was not noticed on the agenda, it was necessary to ratify their approval. Motion was made by Commissioner Bevan Wilson to ratify the approval of the minutes of the August 7, 1996 Commission meeting. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

The minutes of August 21, 1996 were reviewed and corrected. A motion to approve the minutes as corrected was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

COMMISSION REPORTS

Commissioner Kent Petersen - Commissioner Petersen discussed the UDOT meetings held last week in the County Courthouse. They reviewed the STIP projects, emphasizing that there were none of great importance in this area. He feels that Emery County needs to meet with Carbon County, Grand County and San Juan County for combined support on projects which would benefit the County's. Road Superintendent Rex Funk pointed out the need to get future projects recommended for the STIP project list which covers up to the year 2002. Discussed was the need to attend Highway Commission meetings and the Joint Highway Committee meetings.

Commissioner Bevan Wilson - Commissioner Wilson reported on damage to the RSVP vehicles located at the Huntington Senior Citizens Center. They had been parked in back of the building and were vandalized. They will now move those to the front of the building and install motion lights.

He noted that this might be a good time to start a neighborhood watch program. He discussed the vandalism that has taken place in the County particularly in the Huntington area. This group would work in conjunction with the Sheriff's Office. The County can not afford to hire additional deputy's to police everything. This will be discussed in up-coming COG meetings, youth councils and in the churches.

Commissioner Wilson also reported on his meeting with planning and zoning. Bear West will begin the process of reviewing the

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planning and zoning ordinances. They have prepared a memorandum of understanding which will go before the planning and zoning staff for approval.

Commissioner Randy Johnson - Commissioner Johnson discussed the concerns and possibly a legal investigation into Secretary of Interior Bruce Babbitt's reinventory of the wilderness areas. From meetings, it was felt that the best course of action was to have Senator McKoski of Alaska hold hearings and demand by what authority Mr. Babbitt is taking the action. Doing so would clarify any legal action which could be taken in regards to it.

(15)

RSVP REQUEST FOR A FAX MACHINE

Carolyn Randall of Emery County RSVP, requested approval to purchase a fax machine. She provided two price quotes on machines.

Whereupon, a motion was made by Commissioner Kent Petersen to approve the purchase of a Cannon fax machine in the amount of \$499. The motion was seconded by Bevan Wilson and approved by all members present.

(16)

DIAMOND K GYPSUM DONATIONS

The Commission has received a memorandum from Diamond K Gypsum noting that they have made contributions both to the Emery County Museum and the Emery County Theater. They have requested information on the unimproved roads in the County as well as wild cat wells in the desert region.

It was therefore the consensus of the Commission, in light of those contributions made by Diamond K Gypsum, that the County do what they can to accommodate his request.

Road Superintendent Rex Funk indicated that he may have some information in regards to roads.

(17)

PERSONNEL ACTION

Personnel Director Pat Snowball presented the following items for Commission consideration:

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Road Department / Landfill

The Road Department Supervisor has recommended Keith Sorensen for a merit increase. This would take Keith from Grade 10, Step O, \$12.38/hr to same grade, Step P, \$12.60/hr.

A motion to approve the merit increase for Keith Sorensen was made by Commissioner Kent Petersen, seconded by Bevan Wilson and approved by all members present.

Jeanette Leffler was hired August 3, 1995. The recommendation from the Road Department Supervisor is that Jeanette remain at a Grade 7, but receive a two-step increase for her first year increase. This would take Jeanette from Grade 7, Step B, \$8.50/hr to same grade Step D, \$8.88/hr.

A motion to approve the step increase for Jeanette Leffler was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

A landfill screener vacancy has occurred. It is recommended that Linda Miller, who interviewed for the job be appointed to complete the temporary "up-to-9-month" assignment which will end December 31, 1996. This assignment began 8/15/96 at a rate of \$8/hr.

A motion to approve the temporary 'up-to-9-month" position for Linda Miller at the Landfill was made by Commissioner Bevan Wilson, seconded by Commissioner Kent Petersen and approved by all members present.

JP Court

An "in-house" recruitment was conducted August 19, through 23. Judge Truman has requested that the recruitment be extended to include the public and that recruitment will occur beginning September 3, through 13. Emphasis will be placed on speed and accuracy and the two "in-house" applicants have been asked to take the testing at Job Service in order to provide the Judge with the statistics he needs to make a choice.

A motion was made by Kent Petersen to ratify the advertisement and recruitment for that position. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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Auditor

Shellee Allred will take Family Leave this month and Jami Luce will be appointed in the "up-to-90-day" temporary capacity to do payroll. She will begin when Shellee's baby is born at a rate of \$11.00/hr.

Auditor Ross Hunting is requesting permission to temporarily increase Carol Cox's hours from 20 hours per week to 39 hours per week.

A motion was made by Commissioner Kent Petersen to approve the "up-to-90-day" hiring of Jami Luce and the temporary increase in hours of Carol Cox from 20 hours per week to 39 hours per week. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Assessor

Heather Huntsman has been appointed in the temporary "up-to-90-day" capacity effective 8/1/96. She will be paid \$5/hr.

A motion to approve the "up-to-90-day" hiring of Heather Huntsman was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

LEASE AGREEMENTS BETWEEN EMERY COUNTY AND THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY

The Commission discussed the need to have the County Attorney's office prepare Lease Agreements between Emery County and the Municipal Building Authority of Emery County. These agreements would cover the prepaid lease by Emery County on the Nursing Home expansion, new County Road Shop and the Church property and the disposition of County funds to the Building Authority as prepayment.

A motion to that effect was made by Commissioner Bevan Wilson, seconded by Commissioner Kent Petersen and approved by all members present.

(19)

EXECUTIVE SESSION

A motion was made by Commissioner Kent Petersen to adjourn the regular Commission meeting at 12:07 p.m. and move into executive

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session for the purpose of discussing personnel and pending litigation. Those present during part or all of the meeting were Commissioners Randy Johnson, Kent Petersen and Bevan Wilson; County Attorney, David Blackwell; Clerk, Bruce Funk; Auditor, Ross Huntington.

The regular Commission meeting reconvened at 1:35 p.m. with all members present.

It was the motion of Commissioner Kent Petersen that a joint meeting be set up with the Emery County Commission, Municipal Building Authority and the Emery County Nursing Home Board, for the purpose of reviewing the construction plans on the Nursing Home expansion as well as an executive session to discuss contract negotiations and any other business which might come before the groups at this time. This meeting is to be set for September 16, 1996 at 12:00 noon. The Clerk will prepare the necessary notice. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

MEETING ADJOURNMENT

A motion was made by Commissioner Kent Petersen to adjourn the meeting at 1:40 p.m. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST

  
\_\_\_\_\_

CHAIRMAN

  
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MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE  
SEPTEMBER 18, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 4:00 p.m.

(1)

BID OPENINGS FOR LANDFILL POWER LINE PROJECT

Emery County Clerk Bruce Funk opened the bids on the landfill power project and read them aloud. They are as follows:

Electrical Contractors	\$ 88,788
TPC Contractors	57,179
Claw Construction	67,926
Utah Power & Light Service Center	65,132

(2)

BID OPENING ON THE DES BEE DOVE MINE ROAD, MAMMOTH CANAL BRIDGE REPLACEMENT PROJECT

Emery County Clerk Bruce Funk opened the bids on the Des Bee Dove mine road and Mammoth Canal Bridge replacement project and read them aloud. They are as follows:

Minchey Digging Cleveland, Utah	\$ 77,830.00
Flare Construction Salt Lake City, Utah	78,741.46
Neilsen Construction Huntington, Utah	72,386.50
Hansen Construction	78,055.60

(3)

APPROVAL AND AWARDED OF BID ON THE LANDFILL POWER LINE PROJECT

The Commission recognized that TPC was the apparent low bidder.

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They recommended that Mr. Howard Tuttle of Johansen and Tuttle Engineering look into TCP's experience and references as well as consult with them. their bid is below the engineers estimate, to insure that the contractor is comfortable with the submitted price and then bring back a recommendation to accept the bid.

Therefore, it was the motion of Commissioner Bevan Wilson that Commission Chairman Randy Johnson be authorized to sign the awarding of the bid to TPC upon the recommendation of Johansen & Tuttle Engineering and that he be authorized to sign any additional paperwork in order to expedite the project. The motion was seconded by Kent Petersen and approved by all members present.

(4)

APPROVAL AND AWARDING OF BID ON THE DES BEE DOVE MINE ROAD  
MAMMOTH CANAL BRIDGE REPLACEMENT PROJECT

The Commission recognized Nielsen Construction as the apparent low bidder. it was also Howard Tuttle of Johansen & Tuttle Engineering's recommendation that the Commission proceed in awarding the bid to Nielsen Construction in light of their past construction experience.

Therefore, a motion was made by Commissioner Kent Petersen to award the bid to Nielsen Construction in the amount of \$72,386.50 and to authorize Commission Chairman Randy Johnson to sign the awarding of the bid and any other additional paperwork in order to expedite the project. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

LANDFILL WATER IMPROVEMENT PROJECT (includes Bear Creek  
Campground improvements)

Mr. Howard Tuttle of Johansen & Tuttle Engineering presented to the Commission an abstract of the bids for the Emery County Landfill water improvement project. This project includes improvements for the host campsite at Bear Creek Campground. The bid opening was held September 10, 1996, the abstract of the bids are as follows:

Engineers estimate was \$52,200

Claw Construction	\$ 40,450.41
Johansen Construction	42,372.59
Minchey Digging	48,410.00



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Nielsen Construction	56,140.00
Poulsen Construction	59,900.00

Mr. Tuttle has met with owners of Claw Construction, It was his recommendation that the Commission award the bid to them.

Whereupon, a motion was made by Commissioner Bevan Wilson that the Commission award the bid to Claw Construction in the amount of \$40,450.41, and authorize the Commission Chairman to sign the awarding of the bid and any additional paperwork that would expedite the project. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

PERSONNEL / INSURANCE ITEMS

Personnel director Pat Snowball presented to the Commission the following personnel and insurance matters:

1. Sylvia Nelson has been recommended for a two-step increase from 6H \$9.22/hr to 6J \$9.59/hr retroactive to August 18, which is her anniversary date.

A motion to approve the increase for Sylvia Nelson as recommended was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

2. The Green River Library janitor has submitted her resignation effective the end of September. Request is made to begin the recruitment process. This position pays \$4.75/hr (the new minimum wage).

A motion was made by Commissioner Bevan Wilson to approve the recruitment process and to authorize Commission Chairman Randy Johnson, upon his completion of the interview, to do the hiring. The Commission will then ratify any action taken. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

3. The Road Department is requesting approval to recruit for a regular part time position, 3/4 time (20-39 hr/wk), eligible for prorated benefits, at a rate of 5A \$7.67. This action would replace the temporary up-to-nine-month position which the department has made use of since 1995.

A motion was made by Commissioner Kent Petersen to approve the in-house recruitment of regular part-time employee as requested. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

4. Mrs. Snowball discussed a need for the County to have Inmate Medical Coverage. Carriers for this type of insurance are very difficult to find, but Utah Association of Counties Insurance Mutual located Accordia and Lexington Insurance Company who provides Inmate Medical Coverage. Information was presented for the Commission's consideration.

After further discussion, Commissioner Kent Petersen recommended that the County take option 1 of the purposed Inmate Medical Coverage as presented by AON. (Option #1 is \$10,000 deductible at a cost of \$1.44 per day per inmate) The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)  
AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #94052 through and including #94198 for payment. The following requisitions were presented for Commission consideration:

<u>Req.</u>	<u>#Description</u>	<u>Amount</u>	<u>Action</u>
64-96	Fax Machine for RSVP.	\$ 500	approved
65-96	Computer network system for Justice Court.	7,647	approved
66-96	4 Motorola Visar portable radios VHF 5 to 1 Watt, 136-178 MHz and 6 Motorola Visar portable radios VHF 5 to 1 watt, 136-178 MHz with touch pad for Sheriff's Office.	8,110	approved
67-96	Backup generator for Horn Mountain 30 KW "Generac" brand, back-up generator set with 40 KW copper winding for surge capacity. Auto	14,577.	approved

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transfer switch, main breaker.  
delivered to Horn Mountain,  
installed and tested. Propane. For  
Sheriff's Office

68-96	Epson Laser Camera and 2 meg. memory for Assessor's Office	789.	approved
69-96	Computer upgrade for Treasurer's Office.	1,740.	approved

A motion to approve the warrants for payment and requisitions was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

MILES MORETTI, DIVISION OF WILDLIFE RESOURCES, UPDATE ON  
ACTIVITIES WITHIN EMERY COUNTY

Mr. Miles Moretti of the Division of Wildlife Resources gave the Commission an update of those activities taking place within Emery County. He noted that the Division of Wildlife Resources is the oldest State agency, having been created in 1896. He also presented to the Commission a Centennial addition of their 1996 Wildlife Review.

Mr. Moretti discussed the work that is being done on the Ferron Reservoir, and reviewed big game permits. He noted that Southeastern Utah has been declared for a drawing for deer next year and he has some concerns in regards to this. He discussed the Big Game Deprivation Hunt that involves Cedar Mountain elk herd which involves the taking of a total of 18 cow elk. He discussed the bear problem in the region and also cougar hunts. The Commission invited Mr. Moretti to attend the Public Lands Council meetings which are held the second Tuesday of each month at 11:00 a.m.

(9)

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF APPROXIMATELY  
\$12,675,000 IN ENVIRONMENTAL IMPROVEMENT REVENUE BONDS

Presented to the Commission for their approval was Resolution 9-18-96. Said resolution authorizes the issuance and sale of \$12,675,000 aggregate principal dollars. Aggregate principal amount of 6.15% environmental improvement revenue bonds

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(PacifiCorp Project). The Commission was further advised that the bond closing would be September 23 & 24, 1996 and that there would be a one time fee due to Emery County of approximately \$200,000.

Whereupon, a motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to adopt Resolution 9-18-96 authorizing the issuance and sale of \$12,675,000 in environmental improvement revenue bonds as discussed. Motion was approved by all members present.

(10)

PRESENTATION OF RURAL COMMUNITY EXCELLENCE AWARD

Commissioner Kent Petersen recognized Bart Cox, Linda Daley, Annelle Jackson and Sam Singleton. These people are representatives of the Castle Valley Pageant, Community Theater and the Buckhorn Restoration Project. Commissioner Petersen presented to them the Rural Utah Community Excellence Award. He commended their efforts and noted that the plaque will remain on display in the County Courthouse.

(11)

CITIZEN CONCERNS

No concerns were presented to the Commission at this time.

(12)

BEAR WEST AGREEMENT - REWRITING OF EMERY COUNTY ZONING ORDINANCE

Planning Commission Chairman Mac Huntington together with Commissioner Bevan Wilson reviewed the request of the planning Commission to rewrite the County planning ordinances. The principal firm is to be Bear West. It was noted that they would like this rewrite to be completed at the same time that the General Plan is adopted. There are sufficient monies in the budget.

Therefore, a motion was made by Commissioner Bevan Wilson to approve the agreement of Bear West and others for the rewrite of the Emery County zoning ordinances. The motion was seconded by Commissioner Kent Petersen and approved by all members present. (A copy of the agreement has not been provided to the Clerks Office)

(13)

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PRESENTATION OF THE EMERY COUNTY GENERAL (MASTER) PLAN

Mac Huntington, chairman of the Emery County Planning Commission, informed the Commission that the Emery County General (Master) Plan was reviewed and public comment taken at a public hearing held on September 17, 1996. The Planning Commission will now revise the draft and include the recommendations made at that public hearing. A copy of draft #2 was presented to the Commission noting that the only difference between this draft and the one previously provided to the public is that this draft contains appendices and corrections. It was the intent of the Planning and zoning Commission to have reviewed and put together a final copy of the final draft as well as have minutes of the public meeting available by October 1, 1996. These will be submitted to the Commission for their final recommendation and consideration for adoption. This would be draft #3. It was recommended that a public hearing be scheduled for the 16th of October.

After further discussion, a motion was made by Commissioner Kent Petersen to set a Public Hearing of the Emery County Commission on October 16, 1996 at 7:00 p.m. The purpose of the hearing will be to take public comment on the revised Emery County General (Master) Plan and that copies of the plan will be made available to the Clerks office on or before October 10, 1996. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

APPROVAL OF TRANSFERS / REVISIONS TO THE 1996 EMERY COUNTY OPERATING BUDGETS FOR THE GENERAL FUND, CAPITAL PROJECTS FUND AND CAPITAL REPLACEMENT FUND

Emery County Auditor Ross Huntington outlined with the Commission the following transfers and revisions in the 1996 operating budgets for the General Fund, Capital Projects Fund and the Capital Replacement Fund:

Increase property tax revenues in the general fund from 4,375,000 to 4,644,708 an increase of \$269,708 and decrease the use of fund balance a like amount.

Increase property tax revenue in the flood control budget from \$254,000 to \$269,786, an increase of \$15,786 and decrease the use of fund balance by a like amount.

Increase property tax revenue in the Library Fund from

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\$505,355 to \$538,115, an increase of \$32,760 and decrease the use of fund balance a like amount.

Transfer \$750,000 from the Capital Projects Fund to the Municipal Building Authority. (A budget hearing is required by the Building Authority to approve the expenditure. The hearing will be advertised and held on October 2, 1996)

Create a line item under the Capital Replacement Fund called "Software Programs".

Whereupon a motion was made by Commissioner Bevan Wilson to approve the transfers and budget adjustments as requested. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

ADOPTION OF RESOLUTION 9-18-96B

Auditor Ross Huntington presented to the Commission for their consideration Resolution 9-18-96B. Wherein, the Class B road fund is reduced by approximately \$300,000 to a final budget of \$1,163,000 on revenue and expenditures of \$1,163,000. Documentation was provided to the Commission in regards to this matter.

Whereupon, a motion was made by Commissioner Kent Petersen to reduce the Class B road budget as outlined in Resolution 9-18-96B. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

APPROVAL OF CLOSURE OF BOARD OF EQUALIZATION AND FINAL ADJUSTMENTS

Emery County Auditor Ross Huntington presented to the Commission the summary of the Board of Equalization adjustments for 1996. He recommended that the Board of Equalization be held open until October 1, 1996. Presented were two applications for tax exempt status, one from the Christian Faith Church in Ferron Utah and one from Four Corners Mental Health. It appears that the Church does meet the State qualifications for exemption.

Whereupon, motion was made by Commissioner Kent Petersen to approve the Board of Equalization adjustments for the year 1996, to close the Board of Equalization at the end of the working day on September 30, 1996 and to approve the two tax exemptions as

noted. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

ROAD DEPARTMENT / LANDFILL ITEMS

Road Superintendent Rex Funk discussed the following with the Commission:

- A. Right-of-way agreement with the BLM for construction of a water truck loadout access and a temporary permit for a landfill power line - Mr. Funk discussed the projects noting that the stipulations required in the BLM document have become very stringent and strict. In previous discussions with the BLM it was noted that some stipulations were impractical and unobtainable, to which they agreed. After further discussion, it was the recommendation of Commissioner Wilson that the County work up an exhibit to attach to those permits and those of the future which amend those stipulations as agreed upon previously by the BLM, or that they be red-lined.

Whereupon, a motion was made by Commissioner Kent Petersen to approve the signing of the two permit applications provided that Mr. Funk has red-lined or modified the agreement to an acceptable manner as he has understood from the BLM. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

- B. approval of recommended carpet and paint quotes for new road department facilities - Mr. Funk submitted an abstract of quotes covering the carpet for the new road shop. Bids were received from Kim Blackham Installations and National Carpet Brokers. Prices are as Follows:

Kim Blackham Installations

Delta Executive Suite III	28 oz.	\$	3,035
Aster Passport	26 oz.		3,035
Whitecrest Excel	26 oz.		3,035

National Carpet Brokers

Capital II	28 oz.	\$	2,431
Biltmore	28 oz.		2,698
Advisor 28	28 oz.		3,002

Mr. Funk recommended that National Carpet Brokers be awarded the bid. This matter had been previously approved and no action was necessary by the Commission.

Mr. Funk presented an abstract of quotes for interior and exterior painting of the new road shop. Bids were received from B & T Builders & Supply in the amount of \$4,465 and Elliot Construction in the amount of \$12,100. He recommended that the bid be awarded to B & T Builders & Supply. No action was required on this matter in that it was also previously approved.

- C. Approval and authorization to proceed with purchase of Utah Power and Light property for Clawson Motocross - It was noted and confirmed by Sheriff Lamar Guymon that the Emery County Sheriff's Posse is interested in keeping the Motocross at Clawson available for future activities. Utah Power and Light has 11 acres in which part of the Motocross is on. UP&L is asking \$4,500 for that property. However, the County has received a certified appraisal for properties of Clawson and they will make an offer based upon that amount. A motion to that effect was made by Commissioner Bevan Wilson, seconded by Commissioner Kent Petersen and approved by all members present.
- D. Request of Utah Power & Light for plats on the Huntington South Flat Loop Road - Road Superintendent Rex Funk was unsure as to why this was on the agenda. These plats are public information, therefore, it was the consensus of the Commission that because they are public record, they be provided to Utah Power & Light.
- E. Bid opening for removal of existing metal pile at the Emery County Landfill - Clerk Bruce Funk opened the bids that were received. They were as follows:

M & P Enterprises Huntington, Utah	20% of the market price as noted in scrap publications mentioned, at time of salvage.
D & R Salvage Ferron, Utah	55% of the Los Angeles market #2 heavy metal melt as listed in American Metal Market publication, for the separated pile of heavy metal.
	17% of the Los Angeles market



for the light tin and  
appliances.

35% of the Los Angeles market  
for the heavy metal that D & R  
separates from the light tin as  
they load it.

Whereupon, a motion was made by Commissioner Kent Petersen to accept the bid of D & R Salvage for the removal of the existing metal pile at the Emery County Landfill. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

- F. Report on weight scales located on church property Des Bee Dove Mine road - Mr. Funk discussed with the Commission the existing scales located at the church property which the County is purchasing. He noted that they have been inspected and calibrated at a cost of \$710. To move those scales to the landfill would cost approximately \$35,000 with an additional \$3,000 for computerization of the scales. The Commission has been advised that new scales would cost approximately \$50,000 and there would be little point in having two scales in such a close proximity.

After further discussion it was the motion of Commissioner Kent Petersen to authorize Commissioner Bevan Wilson to negotiate and expedite a contract for the tear-down of the existing scales and the reinstallation of them at the landfill and to approve the \$35,000 to move and set-up the scales at the landfill and an additional \$3,000 for computerization of the scales. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

- G. Approval of contract for metal salvage at the Emery County Landfill - Road Superintendent Rex Funk presented and reviewed the agreement between D & R Salvage and Emery County for the on-going metal salvage at the Emery County Landfill a motion was made by Commissioner Kent Petersen to approve the agreement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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Western States coalition has requested, by letter, financial support from the County in their public land efforts. Commission Chairman Randy Johnson noted that the Commission would like to give support in that Western States Coalition are speaking on the issues in a very positive way. However, it was the consensus of the Commissioners that this matter would be considered in the budget process.

(19)

NON-RENEWAL OF HERITAGE MANAGEMENT CONTRACT

This matter was placed on the agenda to discuss Heritage Management's letter of September 9, 1996, wherein, they have requested a response from Emery County on their intent to continue with Heritage's management of the Emery County Nursing Home. Commission Chairman Randy Johnson noted that the tone of the letter indicated that Heritage Management is somewhat vindictive in pushing for a renewal of the contract. He felt that the letter was without justification, noting that Heritage is again threatening to take legal action if Emery County does not take immediate action.

Emery County has been looking at the management agreement and it's cost to the tax payers. The County has concerns with the accounting and audit procedures which have been evaluated. They are somewhat disturbed with Heritage's tactics in that they have been threatening and accusatory. Therefore, the Commission feels that a decision on the contract renewal is now necessary.

Commissioner Kent Petersen reviewed the original agreements entered into in 1989 and 1993 and the threats made to sue the Nursing Home Board. Heritage claims that they have not been allowed to make their fair share of profit based on 5 1/2% of gross income. At the time of the negotiations, Emery County was told that 6% was the standard, however, the County has since found out that Heritage has not charged more than 4% to the other homes that they have managed. Discussed was how funds in the management of the Nursing Home have been greatly depleted over the time since the interim agreement was entered into in April 1996. Therefore, he felt that the management was not satisfactory and recommended that the contract not be renewed after November 20, 1996.

Commission Chairman Randy Johnson noted that he and Commissioner Bevan Wilson, while attending meetings in Salt Lake, were approached by Mr. Randy Kirton and asked to renew the management contract, overriding Commissioner Kent Petersen, who Mr. Kirton

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felt was concerned only with his re-election. Again there was the usual threat of a law suit and a push for a 10 year contract. The extension entered into in April in 1996 was strictly to provide time to resolve concerns.

The Commission met jointly with the Emery County Nursing Home Board in a public meeting on September 16, 1996 at 12:00 noon, wherein the Nursing Home Board unanimously gave their support to the Commission in their negotiations and any action which they deemed necessary in the best interest of the Nursing Home patients, staff and County.

After further discussion, a motion was made by Commissioner Kent Petersen to have, on the morning of September 18, 1996, Emery county's legal counsel, Brent Armstrong notify the attorney of Heritage Management of Emery County's intention not to renew the contract. Emery County will agree to continue with Heritage Management and to pay those costs through November 20, 1996. On October 1, 1996 Heritage is to turn over the management records and pertinent information to the County applicable to the operation of the nursing home. In the interim John Bramall will be hired at the Nursing Home as interim nursing home manager and Mr. Paul Jensen, present administrator will turn over the administration to Mr. Bramall. The Assistant Director of Nursing may be placed on administrative leave for an undetermined period of time if necessary. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Petersen noted his regret in doing this, but he felt it was in the best interest of the patients of the Nursing Home and the tax payers of Emery County. As the Commission looks back they feel that they have negotiated in good faith. As they have tried to get answers to questions they find themselves pushed into other areas of discussion and accused of not participating in good faith. There has been a continual threat of a law suit. The Commission expressed appreciation to Auditor Ross Huntington for his expert opinions and the time which he has spent in researching the facts and figures. Citizens and elected officials in attendance expressed appreciation to the Commission in taking this step, indicating that it is in the best interest of the patients at the Nursing Home and the citizens of Emery County.

(20)

APPROVAL OF CONTRACT WITH BRENT ARMSTRONG

County Attorney David Blackwell reviewed and gave his

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recommendation for the need to appoint Brent Armstrong as Emery County's legal counsel in any upcoming matters with Heritage Management, noting that Mr. Armstrong is familiar with Heritage and would be an excellent attorney in going through the non-renewal with them. Mr. Armstrong has submitted a fee contract outlining his scope of service. Mr. Blackwell indicated that he was comfortable with it. Mr. Blackwell also noted that he could not serve as legal counsel for the County because he would probably be subpoenaed as a witness. Therefore, it is his recommendation that the Commission proceed in signing the contract with Mr. Armstrong.

Whereupon, a motion was made by Commissioner Kent Petersen to accept and approve the contract with Mr. Brent Armstrong to represent Emery County in matters regarding Heritage Management. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(21)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

The Commission meeting minutes of September 7, 1996 were read and corrected. A motion was made by Commissioner Kent Petersen to approve the minutes as corrected. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(22)

COMMISSION REPORTS

Commissioner Kent Petersen

Commissioner Petersen reviewed the Commissioners conferences held last week, in which they discussed the re-inventory of the wilderness and also the purposed National Monument in Garfield County which was announced by President Clinton today (9-18-96).

Commissioner Bevan Wilson

Commissioner Wilson noted that he and Bryant Anderson flew to meetings in Salt Lake to meet with on the State Forestry Task Force Committee, and the Energy and Natural Resource Interim Committee. Discussed at the meeting was a State bill that may be forthcoming regarding restrictions on harvesting of timber on private land. It will be available for public comment. He discussed meetings of the Emery County Public Lands Counsel; Division of Oil, Gas and Mining and Water Rights. In this Craig

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and Eugene Johansen represented those from the Water Rights. These were very good and productive meetings.

Commissioner Randy Johnson

Commissioner Johnson met with UAC and Bob Abbey, who is the head of the Wilderness Re-Inventory Project from Colorado. The objective seemed clear that wilderness advocates want to find a total of 5.7 million acres to designate as wilderness.

Guidelines allowing them to establish wilderness have changed. They can qualify any area provided there is wilderness qualities in any portion thereof. This could affect adjacent land, which could be adopted into wilderness without additional process.

Commissioner Johnson indicated that he would be attending hearings in Washington next week. From those hearings they will define the action to take. There is also hope that the Governor of Utah will join the Counties in their efforts.

Commissioner Johnson also noted the need to support our lobbyist in Washington who are putting together questions for the McKowski hearings. They are looking to support from the Utah Association of Counties. Commissioner Bevan Wilson noted that he will support the Utah Association of Counties in this effort provided all those affected counties are willing to contribute also. It was the consensus of the Commission that Emery County is willing, during the interim, to commit up to \$2,000 provided other counties or other entities join in the effort and that it be evaluated as to the County's future involvement. It is known that the Public Lands Counsel supports the efforts of the County in this matter.

(23)

#### EXECUTIVE SESSION

A motion was made by Commissioner Kent Petersen to adjourn into executive session at 8:00 p.m. to discuss personnel matters. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. Those present during all or part of the meeting were: Commissioners, Kent Petersen, Randy Johnson and Bevan Wilson; Attorney David Blackwell, Auditor Ross Huntington, Clerk Bruce Funk, Sheriff Lamar Guymon, and Personnel Director Pat Snowball.

(24)

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MEETING ADJOURNMENT

A motion to resume the regular Commission Meeting and adjourn at 8:55 p.m. was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson 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  
OCTOBER 2, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney David Blackwell, and Deputy Clerk Marcee Wright.

The meeting was called to order by Commission Chairman Randy Johnson at 9:00 a.m.

(1)  
CITIZEN CONCERNS

There were no concerns presented to the Commission at this time.

(2)  
CONSIDERATION OF OPTICAL SCAN VOTING AND EQUIPMENT FOR 1996  
GENERAL ELECTION

Clerk Bruce Funk presented information on an optical scan voting system to the Commission. He began by stating that over the years he has watched the election process and become aware of how stressful and time consuming the paper ballot system is for the election workers. He reported that Emery County is one of the last Counties in Utah still using a paper ballot. Most of the other counties in the State have gone to a punch-card system. These systems are less expensive than the more modern systems that are available now, however the manufacture has gone out of business making it difficult to get supplies and parts for the machines and the other counties have experienced problems in using them.

The County has been offered a one-time opportunity from the Lt. Governor's office for financial assistance in purchasing a new voting system. Mr. Funk has thoroughly researched the options available and is purposing that the County purchase an optical scan voting system. He outlined the advantages to this kind of system stating that it would be much faster and more accurate than the paper ballot system.

Mr. Funk assured the Commission that he has contacted several different companies for pricing and details. He is recommending that, if approved, the system be purchased from AIS (American Information Systems) this is the same company that provides the

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County with its voter registration software and support.

The total cost of an optical scan system through AIS would be \$37,600. The Lt. Governor's office will contribute \$15,000 toward this purchase. Mr. Funk requested that the County approve \$25,000 to cover the remaining cost of the optical scanning system and the printing of the ballots. He explained that because it is so close to election time, there will still be a fee for computer set-up and paper due to Carr Printing for the paper ballots and his present budget would not be sufficient to cover both this fee and the cost of printing the new optical scan ballots.

Concern was expressed that this new system would end up costing the County more and more money each year for upgrades, etc. Mr. Funk assured the Commission that, that would not be the case. The only future expense would be in eventually providing each precinct with its own scanner. He indicated that this system, in time would save the County money in that it would require only half the number of election judges.

The Commission asked Auditor Ross Huntington if there was money in the budget to cover the request from Mr. Funk. He indicated that there was.

A motion was made by Commissioner Bevan Wilson to approve up to \$25,000 for the purchase of an optical scan voting system and ballots. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

APPOINTMENT OF BOARDMEMBER TO THE EMERY COUNTY NURSING HOME BOARD

Commission Chairman Randy Johnson read a letter from the Emery County Nursing Home Board stating that they have approved of and ask that Dixon Peacock be appointed to the Nursing Home Board. A motion was made by Kent Petersen to approve the appointment of Dixon Peacock to the Emery County Nursing Home Board. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

APPROVAL TO PLACE GREEN RIVER ANNEXATION ISSUE ON NOVEMBER 5, 1996 GENERAL ELECTION BALLOT

Commission Chairman Randy Johnson began the discussion by stating that Emery County needs to be proactive in getting this issue on



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the ballot in November. Sheriff Lamar Guymon indicated that he and several other elected officials had attended a meeting in Green River on this issue and his understanding is that the people there do not really understand what is happening. The Commission agreed that it is very important that the public be educated on this issue. It was suggested that they schedule two public information meetings, one in Castle Dale on October 15, at 7:00 p.m. and the other in Green River on October 22, at 7:00 p.m.

Commissioner Kent Petersen indicated that if this annexation isn't done now it is likely, because of changes in the legislature, that it will never be done. Further discussion indicated that this issue could become bogged down in legal technicalities, and it may take a court order to force Grand County to place it on their ballot. It was the consensus of the Commission that this issue should be placed on the November 5, General Election ballot in Emery County.

A motion was made by Commissioner Kent Petersen to approve the placement of the Green River annexation issue on the November 5, General Election ballot as well as setting a meeting on October 15, 1996 at 7:00 p.m. in Castle Dale and another meeting on October 22, 1996 at 7:00 p.m. in Green River to answer questions and inform the public. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

APPOINTMENT OF BOARDMEMBERS TO THE BOARD OF TRUSTEES OF THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY

Commissioner Kent Petersen presented the name of Dennis Nelson of Ferron to be appointment to the Board of Trustees of the Municipal Building Authority of Emery County.

A motion was made by Commissioner Kent Petersen to approve the appointment of Dennis Nelson to the Board of Trustees of the Municipal Building Authority of Emery County. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

APPROVAL OF LEASE WITH MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY (MBAEC) FOR ROAD DEPARTMENT FACILITIES

County Attorney David Blackwell presented a lease with MBAEC for the new Road Department facilities. He explained the amount of

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the lease would be \$4,584.17 per month or \$550,000 up front. The Commission indicated that they would take the second option.

Mr. Blackwell pointed out that the lease is basically standard, however, he drew the Commission's attention to one section that leaves the facility open to use for other County activities if they are deemed appropriate by the Commission.

After further discussion a motion was made by Commissioner Kent Petersen to approve the lease with MBAEC for the road department facilities. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

CONSIDERATION AND APPROVAL OF MBAEC REQUEST TO ABATE TAXES ON ROAD DEPARTMENT FACILITIES

County Attorney David Blackwell explained that as part of the closing on the road shop building the property taxes have been prorated so that UP&L will pay them through October 3, 1996 and the County is responsible to pay them from October 3, 1996 to the end of the year. The purpose here is to get Commission approval to abate the County's portion of the property taxes which would save the County \$2,133.74 in closing costs.

A motion was made by Commissioner Kent Petersen to abate Emery County's portion of the taxes on the new road department building from October 3, through the end of 1996. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF FINANCIAL REQUEST BY UAC TO SUPPORT WILDERNESS RE-INVENTORY LAWSUIT

Commission Chairman Randy Johnson indicated that a request has been received from Mark Walsh of UAC for each wilderness effected county to contribute \$5,000 to the lawsuit against the re-inventory of wilderness in Utah.

Commissioner Johnson reported that he has met with Governor Leavitt and that he has indicated he will join with the Counties and take the lead in the lawsuit. Emery County, while in unison with the State, will retain its own legal counsel and will maintain the authority to influence and make choices. This will be a partnership with the State and other counties. The Governor indicated that the State will fund at least half of this process. They are asking for the Counties and also some private industries

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to contribute.

Commissioner Johnson stated that the focus of this lawsuit will be to force the Department of Interior to re-do this inventory by the book. The guidelines that they have created in the re-inventory do not follow the 1964 wilderness law. They essentially want to give themselves carte blanche for creating wilderness where ever they see it. It was Commissioner Johnson's feeling that it is very important that we pursue this matter and he recommended that we contribute the \$5,000 they have requested.

It was pointed out that \$2,000 was approved for this purpose in a previous Commission meeting and that this request is not in addition to that amount but is an amended request. Commissioner Kent Petersen made a motion to contribute \$5,000 to the UAC for the lawsuit against the re-inventory of wilderness with the condition that a complete accounting be given of all money spent and, in the end, if there is any money left over it be returned to the County according to how much was contributed; that the money come out of the public lands budget if the Public Lands Counsel approves it and that the approval of the request for \$2,000 that was given in Commission Meeting on September 18, be rescinded. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

ROAD DEPARTMENT LANDFILL ITEMS

Commissioner Kent Petersen asked Carol Ware and Ray Petersen, who were present to represent the Road Department, about a request from Derrick Beagley for permission to deposit car wash sludge and roadside coal spray in the County landfill. Commissioner Wilson informed the Commission that Mr. Beagley was notified that the landfill could not accept the sludge because of State and Federal laws. It was pointed out that even if Mr. Beagley could dry out the sludge he would still have no knowledge of what chemicals it might contain, he would have to have the dry material tested before he could be allowed to deposit it in the landfill.

Discussed was how regulations such as this that prevent this type of material from being dumped in the landfill are adding to the problem because they are forcing these materials to have to be illegally dumped on private property. Commissioner Wilson stated that a licensed settling pond to irrigate, test and dispose of this kind of material should be encouraged.

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(10)

CONSIDER REQUEST BY ROY POGUE TO DEED BRIDGE LOCATED AT WOODSIDE TO HIM

The Commission was informed that Mr. Roy Pogue is requesting that the bridge located at woodside be deeded to him. There was concern expressed that the road that crosses the bridge is a County road also that livestock owners had previously indicated that they need access to that bridge in order cross the river. Sheriff Lamar Guymon also indicated that his people would use the road, but Mr. Pogue frequently has the gate locked.

It was pointed out that the Commission could not deed the bridge over to Mr. Pogue without a public hearing to abandon the road. Also that Mr. Pogue should not be locking the gate on a public road. Commissioner Wilson also pointed out that State statutes would require clearance from the State Historical Society before this bridge could be given away.

Commissioner Kent Petersen suggested that the Commission write a letter to Mr Pogue indicating that he needs to remove the lock and explaining what would be required in order to give the bridge to him.

In view of this the Commission directed County Attorney David Blackwell to research the matter further.

(11)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #94373 through and including #94509 for payment. The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
70-96	Grasshopper mower, 52" deck, and hopper/blower to replace existing lawn mower at Nursing Home.	\$10,750	Approved
71-96	Computer system and Okidata 395 printer for Nursing Home.	\$ 3,042	Approved
72-96	Dual DDS drives - 16 channels HR IPM, networked audio	\$27,000	Approved

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management station and  
installation for Sheriff's  
Office.

73-96	Specialized equipment for Cedar Mountain and Horn Mountain for Sheriff's Office.	\$20,792.65	Approved
74-96	Computer desk and hutch, workstation, organizer for workstation and chairs for Clerk's office.	\$ 1,873.65	Approved
75-96	Optical Scan Election System.	\$25,000	Approved
76-96	Network parts from Omni-Com to begin automation of 8 libraries.	\$33,190	Approved
77-96	Purchase of library software from Ameritech.	\$57,836	Approved

A motion to approve the warrants for payment and requisitions was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

GEOFF SMITH PRESENTATION ON EAGLE SCOUT PROJECT ON LAWRENCE CEMETERY

Geoff Smith offered a presentation on the work he has done to map the Lawrence Cemetery. He explained the process that he went thorough to identify the graves, make the map and enter the names on a computer database.

Commissioner Bevan Wilson stated that the Lawrence Cemetery is owned by Emery County and that in the last several years there has been a lot of interest in this project. He added that there have been many people that have been active in helping Geoff acheive this goal and he expressed his appreciation to them. It was his recommendation that the County accept the map and database from Mr. Smith and continue on and perhaps start a caretaker program for the cemetery.

Commission Chairman Randy Johnson expressed his appreciation and

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commended Mr. Smith for the work he has done in achieving this goal.

(13)  
PERSONNEL ITEMS

Personnel Director Pat Snowball presented the following items for Commission consideration and approval:

1. Sheriff's Office

- A. The Sheriff requested approval to hire from the recently updated roster a Dispatch I at 10A \$9.85/hr.

A motion was made to approve the hiring of a Dispatch I at 10A \$9.85/hr by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

- B. Kay Jensen completed training at the Correctional Academy on August 26, 1996. He graduated September 16, 1996. He will complete his first year of service to the County on October 16, 1996.

Practice in the Sheriff's Office has been that upon graduating the employee receives a wage increase. However, in 1994, the personnel policy was amended to state that no increase would occur until the first year anniversary of the employee. Kay is the first employee from the Sheriff's Office, who is subject to the 1996 amended policy, to have finished his certification before his first anniversary date.

The issue is, whether under the Sheriff's Office requirements for training and certification such employees should receive the wage increase upon successful completion of that training and certification, If this is the case, approval is requested to amend the policy accordingly.

It was pointed out that there is another employee at the Sheriff's Office that will be in this same situation very shortly. After further discussion it was decided that Commissioner Johnson, Pat Snowball and Sheriff Guymon will meet to discuss whether a change in the personnel policy is needed.

Commissioner Kent Petersen made a motion to approve the standard anniversary increase for Kay Jensen on October 16, 1996. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

## 2. Library

Jerilyn Mathis has recommended a merit increase for Victoria Jacobsen, Branch Librarian in Emery. Approval of this increase would move Vickie from 7D \$8.88/hr to 7E \$9/07/hr.

A motion was made by Commissioner Bevan Wilson to approve the increase for Victoria Jacobsen, seconded by Commissioner Kent Petersen and approved by all members present.

## 3. Up-to-90-Day Appointments

- A. Approval was requested to appoint Bill Olsen as a Landfill Screener effective October 4, 1996, at a rate of \$8/hr, 20 hours per week until December 31, 1996.

A motion was made by Commissioner Bevan Wilson to approve the up-to-90-day appointment of Bill Olsen as a Landfill Screener, seconded by Commissioner Kent Petersen and approved by all members present.

- B. Approval was requested to appoint John Snowball as Countywide Maintenance laborer effective September 25, 1996 at a rate of \$6 - \$8/hr.

Commissioner Wilson explained that Mr. Snowball will, at times, be doing work that merits more than \$6 per hour. He then made a motion to approve the up-to-90-day appointment of John Snowball at \$6 - \$8/hr depending on the nature of the work he is doing. the motion was seconded by Commissioner Kent Petersen and approved by all members present.

## 4. Road Department

Recently completed was the "in-house" recruitment to fill the position of Road Office Specialist. This will be a regular part-time (3/4 time) position which is eligible for prorated benefits.

That recruitment resulted in one applicant: Joyce Staley who, as a temporary employee, occupies that same position.

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Because she is already doing the job and is the only applicant for the position, it was requested that she be approved for hire effective October 7, 1996, as Office Specialist, Grade 5 Step A \$7.67/hr.

It was pointed out that Ms. Staley has applied for the position presently open in the Justice Court and if she is hired there the Road Department requested that they be given permission to recruit for this position.

A motion was made by Commissioner Kent Petersen to approve the hiring of Joyce Staley as Road Office Specialist and give the Road Department permission to recruit for this position if Ms. Staley should be hired in the Justice Court. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

The minutes of the September 18, 1996 Commission meeting were reviewed and corrected. A motion to approve the minutes as corrected was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

COMMISSION REPORTS

Commissioner Kent Petersen noted that it was said when the Grand Staircase Escalante National Monument was declared that we were lucky that it was not the San Rafael. It appears that those fears were well founded. It is his feeling that it is important that the County keep working on their proposal.

He also reported that he and Commissioner Bevan Wilson attended a meeting with San Rafael Futures. There were representatives there from the Utah Travel Counsel, Utah State Lands and Forestry, the Governor's office of Planning and Budget and the BLM. They toured the San Rafael and discussed some of the conflicts we are experiencing concerning these areas. They were given advice on what could be done to keep this area from becoming a National Monument and what could be done with these attractions to produce money for the people of Emery county.

(16)

OTHER BUSINESS



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Auditor Ross Huntington informed the Commission that there are a couple of indigent abatements that need to be considered. He was unable to get this item on the agenda but requested that the Commission make a decision today so that these entries can be entered into the Computer to enable Treasurer JoAnn Behling to get the tax notices printed out. County Attorney David Blackwell advised Mr. Huntington that the Commission can make a decision on these abatements and ratify it at the next Commission meeting.

The following indigent abatements were requested:

1. Patricia Huntington - Ms. Huntington has requested an indigent abatement. She has provided documentation from her doctor indicating that she is unable to work.

Commissioner Kent Petersen made a motion to approve the indigent abatement of \$300 for Patricia Huntington. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

2. Carol Northrup - Ms. Northrup also requested an indigent abatement, however, her application was not complete and she did not provide any documentation from her doctor which she had been instructed to do. It was the consensus of the Commission not to consider her application until she submits a complete application and the documentation required.

(17)

EXECUTIVE SESSION

A motion was made by Commissioner Kent Petersen to adjourn into executive session at 11:00 a.m. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Those present during all or part of the meeting were:  
Commissioners Kent Petersen, Randy Johnson and Bevan Wilson;  
Attorney David Blackwell, Auditor Ross Huntington, and Deputy Clerk Marcee Wright.

(18)

APPROVAL TO RETAIN BRENT ARMSTRONG AS ATTORNEY

A motion was made by Commissioner Kent Petersen to retain Brent Armstrong as attorney to represent Emery County in the lawsuit filed by Heritage Management. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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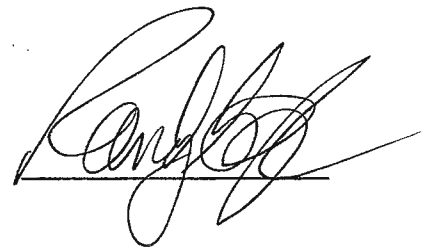
(19)  
ADJOURNMENT

A motion was made to adjourn the meeting at 12:20 p.m. by  
Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson  
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

October 16, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 4:00 p.m.

(1)

EMERY COUNTY 4-Her's THANK THE COUNTY COMMISSION

The following 4-Her's were present: Laci Brady, Kobi Erni, Jaycie Porter and B.J. Porter, together with leaders Jodi Willson, Jodi Porter and Extension Agent Dennis Worwood. They presented to the Commission a plate of goodies, expressing thanks to the Commission for their support. Each of the 4-Her's briefly reviewed those projects they have been involved with in the 4-H program.

Upon conclusion, the Commission expressed appreciation to the 4-Her's and their leaders.

(2)

PERSONNEL ITEMS

Personnel Director, Pat Snowball presented the following personnel items for Commission consideration:

A) Weed & Mosquito Department - James Nielsen has recommended that Jerry Hatch be moved from his current Grade 10, Step E or \$10.28 per hour to a Grade 12, Step B or \$10.50 per hour. Jerry has worked in the department since July 20, 1995, and performs all of the duties of Weed & Mosquito Operator which is a Grade 12.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to approve the move of Jerry Hatch as presented. Motion was approved by all members present.

B) Justice Court - Judge Truman requests approval to hire Melany Viers as the Justice Court Clerk I, effective October 17, 1996, at a rate of Grade 4, Step A or \$7.35 per hour. This is a full-time position, eligible for benefits.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve the hiring of Melany Viers as presented. Motion was approved by all members present.

Personnel Items, cont. . . .

C) Clerk's Office - Bruce Funk recommends the following two-step merit increases: Julie Winn from a Grade 10, Step I or \$11.12 per hour to a Grade 10, Step K or \$11.54 per hour. Her hire date is September 22, 1986. Wendi Downard from a Grade 9, Step I or \$10.66 per hour to a Grade 9, Step K or \$11.18 per hour. Her hire date is October 29, 1984.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve the merit increases for Julie Winn and Wendi Downard as presented. Motion was approved by all members present.

D) Library - Jerilyn Mathis requests approval to hire Tori Fletcher as the Janitor for the Green River Library, effective October 9, 1996, at the minimum wage of \$4.75 per hour.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to approve the hiring of Tori Fletcher as presented. Motion was approved by all members present.

(3)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #94775 through and including #94948 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
78	Hydraulic Test Unit - Road	2,600.00	Approved
79	Mobile Home to replace the one destroyed by fire at Airport - Capital Projects	35,665.00	Approved
80	Computer & Monitor - Nursing Home	1,669.00	Approved

The following disposition of Fixed Asset Forms were presented for Commission consideration:

- 1986 PSX 200 GE Radio, fixed asset #04772, serial #6941089, from the Road Department, to be junked
- 1987 PSX 200 GE Radio, fixed asset #04804, serial #7149594, from the Road Department, to be junked

Auditor's business, cont. . . .

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve the warrants for payment, requisitions for purchase and disposition forms. Motion was approved by all members present.

(4)

BONNIE KEELE - RS2477 ROADS

Bonnie Keele, from Ferron, Utah, addressed the Commission in regards to RS2477 roads. She expressed appreciation to the Commission, reading in the paper that the Commission is upset with the goings on with the Secretary of the Interior Bruce Babbitt. She is pleased with the County entering into a lawsuit and also the involvement of the Utah Association of Counties. However, she would like it to go back to the beginning of all wilderness designation. She noted that she was told by Mark H. Williams, who is trying to conduct OHV tours in the desert and made application through the BLM, that the BLM indicated to him the Devil's Race Track, the Conover Road and South Fork Segment of Coal Wash were being considered for closure. There would be a comment period. She indicated it appeared the County had not recognized these as RS2477 roads and they had not been put into the County's inventory. However, after checking with Johansen and Tuttle Engineering and their maps, they were all designated as RS-2477 roads. Therefore, Mrs. Keele was very pleased the Public Lands Council had documented such roads. Her concern is that the BLM would close these roads and make them roadless areas such as they have done in the Mexican Bend area. It was felt that the public needed to know what the local officials positions and of their support on such issues. She felt that Emery County should proceed to maintain those roads which the County recognizes as RS-2477. She felt blading those roads would be tax monies better spent.

Discussed was the definition of an RS-2477 road. She felt that the County could not compromise on roads and road designation with the BLM. The Commission pointed out that the Tribune article was incorrect as to the RS-2477. The County had taken Quiet Title action and done a notice of claim. They are watching to see what happens in Washington County since the case was dismissed. In order to take on any action, there has to be a controversy and that is why the Washington County complaint was dismissed - as the Judge saw no controversy in the matter. She questioned if all those roads with the County designation of RS-2477 were open to use. The Commission indicated yes, but that the BLM is not of the same consensus.

Commissioner Bevan Wilson noted that we are not giving up the battle on the RS-2477. That will be part of the issues to be resolved as part of the lawsuit.

Bonnie Keele, cont. . . .

Commission Chairman Randy Johnson noted the role of Emery County being instrumental in the Wilderness Reinventory law suit. They initially got it going and they will spear-head it. The County has been involved from the onset and will aggressively pursue those issues. He is a member of that litigation committee. Also, Kent Petersen was the spokesman for the Utah Association of Counties in the press conference that announced the wilderness reinventory law suit.

(5)

REQUEST TO DISPOSE OF COUNTY-OWNED PROPERTY

The Commission having received a request from David and Cindy Avery of Huntington, wherein they are requesting the purchase of property owned by the County which the County acquired in a 1993 tax sale. This in the Jay Powell subdivision in Huntington. Emery County Assessor, Jim Fauver has appraised the property lots at \$1,200 each.

After further discussion, it was the motion of Commissioner Bevan Wilson that this property receive further review before bringing it up for public sale. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

BUREAU OF LAND MANAGEMENT - QUARTERLY UPDATE

Penney Dunn, of the Bureau of Land Management, came before the Commission to give them a quarterly update on the activities in Emery County. She was present for part of the discussion by Bonnie Keele. She indicated to those present that she and her office enjoy a good working relationship with Emery County. They are in a cooperative basis. She indicated that possibly Bonnie Keele should be invited to participate in the Public Lands Council. She continued in giving an update on the range program. She noted there is less feed due to a lack of water and drought. Usage will be from 0 to 50% of the normal numbers, depending on the area and condition. Ranchers have been involved in that determination. She mentioned the new manager of the newly combined Price and San Rafael District is Dick Manus.

She also discussed the coal bed methane, in that the two developers in Emery County will be Chandler and Texaco. She indicated it will take approximately two-years to complete the process and development. She would like the Commission to be very involved.

The River Gas EIS is ready. There is a public meeting scheduled for November 13 in Price and November 14 in the Emery County Commission Room at 7:00 p.m. She also discussed the involvement of the Emery County Road Department, the BLM and the National Guard in the clean-up of the abandoned landfill east of Castle Dale.

BLM Update, cont. . . .

She discussed the robbery in the Cleveland-Lloyd Dinosaur Quarry and that the bone's value is that of approximately \$40,000. She expressed appreciation to Detectives Ekker and Downard in their expeditiously doing the criminal workup. Discussed was the partnership to keep the site going, the security system and a grant to cast replacement bones. Discussed was bringing a symposium for the vertebrate paleontology in the year 1998.

(7)

CITIZEN CONCERNS

There were none.

(8)

CONSIDERATION AND APPROVAL OF 1997 TENTATIVE BUDGETS FOR THE EMERY COUNTY GENERAL FUND, CLASS B ROAD FUND, E-911 FUND, RSVP FUND, TRANSIENT ROOM TAX FUND (TRAVEL BUREAU), ECONOMIC DEVELOPMENT FUND, LIBRARY FUND, MUNICIPAL BUILDING AUTHORITY FUND, CAPITAL PROJECTS FUND AND CAPITAL REPLACEMENT FUND

Auditor, Ross Huntington reviewed for those present and presented to the Commission the 1997 Tentative Budgets for the Emery County General Fund, Class B Road Fund, E-911 Fund, RSVP Fund, Transient Room Tax Fund (Travel Bureau), Economic Development Fund, Library Fund, Municipal Building Authority Fund, Capital Projects Fund and Capital Replacement Fund. He noted this does include \$311,000 property tax revenues as a result of a judgment levy. This is as a result of the Supreme Court upholding UP&L's appeal on their 1992 values. This judgment levy will be done in the year 1997. Employees are budgeted to receive a one-step automatic increase up to a Step P. Those above a Step P will be considered on an individual basis. There is a 2% increase for elected officials and contract employees and has been calculated on actual department expenditures. He noted that he anticipates the final adopted budget in December would be considerably smaller.

Whereupon, motion was made by Commissioner Kent Petersen to accept the 1997 Tentative Budgets as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

INDIGENT TAX ABATEMENT REQUESTS

Presented to the Commission were two applications for indigent tax abatement. It was indicated that one application was incomplete, therefore, no action was taken on that request. The other application was from Patricia Huntington of Orangeville who is unable to work. Therefore, she is requesting a tax abatement in the amount of \$300.

## Indigent Tax Abatements, cont. . . .

Whereupon, motion was made by Commissioner Kent Petersen to ratify the prior approval of indigent tax abatement for Patricia Huntington. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

PUBLIC DEFENDER CONTRACT

County Attorney, David Blackwell in a follow-up to discussions the Commission had in their meeting held in Green River earlier this year in regards to the present public defender requesting an increase in his salary and since any increase needed to be built into the 1997 budget, he felt the Commission needed to take action now. He will prepare the bid package.

Whereupon, motion was made by Commissioner Kent Petersen to instruct the County Attorney's office to prepare the bid package for the Emery County Public Defender position. Those bids are to be opened on November 20, 1996, Commission meeting. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

CONSIDERATION OF NOTICE OF CLAIM FROM HERITAGE MANAGEMENT

County Attorney, David Blackwell, has been informed by the Attorney representing Emery County, Brent Armstrong, that he is in receipt of a Claim from Heritage Management. This having been previously discussed with Mr. Armstrong. Mr. Blackwell outlined the Commission's option.

Upon conclusion, motion was made by Commissioner Kent Petersen, upon recommendation of council that Emery County reject the Heritage Management claim. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

ROAD DEPARTMENT ITEMS

Road Superintendent, Rex Funk received a call in regards to the Lawrence Westerly road project in which Johansen and Tuttle Engineering are managing that with approval from the State. He noted that Nielsen Construction was the low bidder. It was the engineer's request that the construction be put off until March 1997. Mr. Funk was in favor of the postponement. He felt the State would also approve. The Commission concurred in this recommendation.

Mr. Funk discussed that the excavation of the water line to the Landfill is almost completed. He discussed the ongoing improvements being made at the new road shop.



Road Department, cont. . . .

He discussed with the Commission Food Ranch's concern over lack of County use of the Gas Card at their facility. Mr. Funk indicated it was a difficult location for their trucks and he will meet with the owner of Food Ranch and discuss this further.

Commissioner Bevan Wilson noted that other County entities do use the Gas Card other than just the Road Department.

(13)

COMMISSION MINUTES

Motion was made by Commissioner Kent Petersen to table the review of the minutes of the October 2, 1996, Commission meeting to allow sufficient time for the Commission to review. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

DISCUSSION OF UPS DROP OFF STATION

Discussed with the Commission was the request from the United Postal Service (UPS) worker Bob Hagara for installation of a UPS drop-off station to be located adjacent to the courthouse. However, it was the consensus of the Commission that they not take any action on this matter and invite Mr. Hagara to come and discuss this further with the Commission.

(15)

COMMISSION REPORTS

Commissioner Bevan Wilson discussed the losses of the dinosaur bones at the Cleveland-Lloyd Dinosaur Quarry. He suggested that the Commission help with a security system. Detective Bill Downard had indicated that an acceptable security system would cost anywhere from \$2,500 to \$5,000. This would be a van guard system which would be tied in with the Sheriff's office. Therefore, it was his request to consider this in the budget process. Again, he expressed appreciation to the Sheriff's office in their handling of the investigation. He also pointed out the need for a culvert in one of the dips in that area. This request having been made from the BLM. They will look into this further.

(16)

EXECUTIVE SESSION

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to adjourn to Executive Session at 6:30 p.m. Those present were Commissioners Kent Petersen, Bevan Wilson and Randy Johnson; County Attorney, David Blackwell; and Clerk, Bruce C. Funk. They met to discuss pending litigation.

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Executive Session, cont. . . .

The regular Commission meeting reconvened at 6:59 p.m. with all members present.

(17)

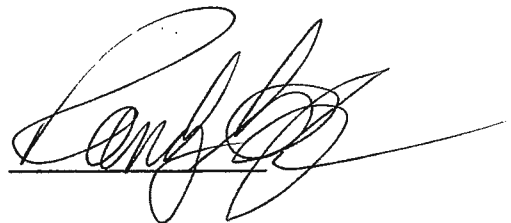
MEETING ADJOURNMENT

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to adjourn the meeting at 6:59 p.m. Motion was 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

NOVEMBER 6, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Deputy Clerk, Marcee Wright.

The meeting was called to order at 9:00 a.m. by Commission Chairman Randy Johnson.

(1)

GORDON HILLIER, PRESENT INFORMATION ON NEW HEALTH INSURANCE REFORM BILL (HR3103)

Mr. Hillier reported to the Commission that large health insurance claims are down by \$20,000 this year. The cost of the health insurance plan is running below funding. This is good news for the County. Medical, dental, and vision claims are all down. Scrip Card claims, however, are up by 21%. The company will investigate the reason for this increase and provide a report.

Mr. Hillier explained that the new health insurance law goes into effect on July 1, 1997. Most of the provisions of this new law are already part of our health plan. It will not affect our plan much.

(2)

CONSIDERATION AND APPROVAL OF BOARDMEMBER TO SERVE ON THE ECONOMIC DEVELOPMENT COUNCIL

Leslie bolinder addressed the Commission as representative of the Economic Development Council. She presented the name of Ron Sanders for approval to serve on the Council. Mr. Sanders is presently serving as acting Chairman of the Chamber of Commerce, he has stepped in for Dave Lucchesi who has resigned. Mr. Sanders will begin his term as Chairman on January 1, 1997. The Chairman of the Chamber is a member of the Economic Development Council and they are requesting that Mr. Sanders be approved today to sit on that council.

A motion was made by Commissioner Kent Petersen to approve the appointment of Ron Sanders to the Economic Development Council. The motion was seconded by Commissioner Bevan Wilson and approved

by all members present.

(3)

APPROVAL OF DONATION TO YOUTH CITY COUNCIL

Commission Chairman Randy Johnson reported that there are two Youth City Council groups. One in Castle Dale and the other in Orangeville. There is also a group organizing in Ferron. Individual membership dues are \$20 per year. Annual membership dues, which would cover any group within the county are \$50 per year.

A motion was made by Commissioner Bevan Wilson to pay the \$50 annual membership dues for the combined Youth City Council Groups. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4)

CHARLIE JANKIEWICZ, FOREST SERVICE, QUARTERLY UPDATE

Charlie Jankiewicz addressed the Commission and discussed several renovation projects planned for the Joe's Valley area. These projects would include new toilets, overflow parking, redesigning of some of the camp sites to accommodate R.V's and three new pavilions. Other projects planned are new toilets for Cleveland Reservoir, the left fork of Huntington Lake near Millers Flat, Miller's Flat parking area, lower Gooseberry camping area, the Dam site at Gooseberry Reservoir and Fairview. The Fairview parking lot will be enlarged and the old guard station just below Huntington Reservoir will be moved, by the snowmobile association, to Skyline Drive between Tucker and Fairview to be used as a warming hut.

The Washington D.C. based Public Lands Council will provide \$229,000 for capitol improvement projects in the Huntington Canyon area. Mr Jankiewicz would like to hold public meetings to get input on how the public thinks this money would be best used. He would also like to see the Public Lands Council work together with private industry and other agencies to increase this money.

The National Forest Foundation is a non-profit organization that works with the Forest Service. The organization is comprised of several large companies. It is his hope that if these large corporations will get involved in the Huntington Canyon projects through the National Forest Foundation, they will be able to match dollar for dollar the money that has already been promised.

Mr. Jankiewicz thanked the Commission for being so supportive in regards to the Holiday Tree stating that it is something we can all be proud of.

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Commissioner Kent Petersen asked Mr. Jankiewicz to update the Commission on the controlled burns that were planned for this fall. Mr. Jankiewicz reported that the burns were successful except in the Jungle area in Ferron Canyon. Conditions were not right for a successful burn there and they will try again next year.

Commissioner Bevan Wilson asked Mr. Jankiewicz if there were development plans available for the Joe's Valley and Huntington Canyon projects. Mr. Jankiewicz indicated that there are plans available for Joe's Valley, but not for Huntington Canyon, those have not been done yet.

(5)

CITIZEN CONCERNS

Commission Chairman Randy Johnson reported that Debbie Fancy has complained that the property behind her house is sluffing down off of the hill by the Sheriff's Office. He suggested that Rex Funk look into the situation.

Commission Chairman Randy Johnson discussed the Centennial Cookbook and the problems that have occurred in getting it published. The original publisher will not be able to fix the problems with the cookbook therefore, it will have to be redone by a new publisher. The county has received new bids and it is possible that the book could be ready by Christmas. Commissioner Kent Petersen indicated that the project could be scrapped and the money returned to those who have already purchased books. Commissioners Johnson and Wilson indicated that they would like to see the project continue with a new publisher.

A motion was made by Commissioner Bevan Wilson to continue with the cookbook project and have the book ready for 1997. Commission Chairman Randy Johnson stepped down to second the motion. Commissioner Kent Petersen abstained. Motion passed.

Clerk Bruce Funk addressed the Commission and discussed the election turnout. He reported that the polls were backed up with people waiting to vote. Election judges at the polls indicated that more plastic sleeves would make the process move along much more smoothly. Also better public education regarding propositions on the ballot would be helpful.

The Commission commented on the problems that were experienced with the local T.V. station getting the correct results on the air. It was suggested that they need to be better prepared and

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work out the problems before election night.

(6)

CONSIDERATION AND APPROVAL OF BUSINESS LICENSE

An application for a Business License from Kelly W. Quinn, who wishes to operate the business of Rollin' Wrenches, for mobile and shop repair of trucks, equipment and cars, was presented to the Commission for their approval. Planning and Zoning administrator Bryant Anderson indicated that he has reviewed the application and recommends that the license be approved.

Commissioner Kent Petersen made a motion to approve the business license for Rollin' Wrenches operated by Kelly W. Quinn. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND ROBERT WEIDNER

The Commission agreed that this item should be considered in the budget process. A motion was made by Commissioner Kent Peterson to table this item until December 4, 1996 when it will be considered in the budget process. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

DISCUSSION AND APPROVAL OF 1997 RC&D SPONSOR DUES

The Commission agreed that this item should also be considered in the budget process. A motion was made by Commissioner Kent Petersen to table this item until December 4, 1996 when it will be considered in the budget process. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

ADOPTION OF EMERY COUNTY GENERAL PLAN

Commission Chairman Randy Johnson indicated that the General Plan has been through adequate public involvement and a great deal of effort from many people. He feels that the plan is proactive, it gives the County power and direction and he feels good about it.

Commissioner Bevan Wilson commented that because of recent events, it was felt that this plan needed to be put on the fast track because it will help the County in dealing with Federal and

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State government on land use issues. He indicated that there are sections in the plan that need to be revisited and some that need to be added, they have committed to do that in the second quarter of 1997. He feels very good about the contents of the plan as it is today. The Planning and Zoning commission and their advisory council has approved the plan and they understand the reasoning behind putting this plan on the fast track.

Jordan Hansen addressed the Commission asking how this plan will help the County protect itself from Federal land grabs. The Commission responded saying that the plan states the County's wilderness recognition and recommendations, this combined with the MOU that we have with the BLM empowers us to have some say in the process. It can't completely protect us from land grabs, but it does give us some basis to stand on. Commissioner Kent Petersen explained that the plan will require the federal government to at least consider our plan before they take action.

Commissioner Bevan Wilson asked Mr. Hansen to take a minute to explain to the commission and the public about his debate class' wilderness program and what their long range goals are.

Mr. Hansen explained that the intent of his class was to determine how they feel about the wilderness issue. They had the opportunity to vote, using a closed ballot method, on the way they felt and found that they were all against it. They then wrote position statements on their feelings then invited the Commissioners and others who are knowledgeable on the subject to come into the class and speak on the issue.

The class has concluded that the real problem is that people don't understand that if the wilderness bill passes, the land will be locked away from them. They are going to try to educate the public, beginning with Emery County then moving on to the Wasatch Front and the rest of the State. It is their hope that once they are able to educate the public and get a majority of the State on their side they can move on from there. They are planning to set up a home page on the Internet with maps and statements from the Commissioners and others. They will try to get Pacificorp to donate money to help them accomplish these goals.

Mr. Hansen thanked the Commissioners for the time and effort they have given to their class.

Commission Chairman Randy Johnson asked if there were any other comments on the General Plan.

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Commissioner Kent Petersen stated that there has been a lot of public input on this plan, he feels that it is good plan and made a motion to approve resolution 11-6-96 adopting the Emery County General Plan. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

CONSIDERATION OF QUIT CLAIM DEED TO CLEAR EMERY COUNTY'S INTEREST  
IN PARCEL #1-241A-7

Emery County Recorder Dixie Swasey explained that this property was one that was involved in a tax sale that Emery County did not clear all of its interest on.

After some discussion a motion was made by Commissioner Kent Petersen to approve the Quit Claim Deed to be signed by the Clerk. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

CONSIDERATION AND FINAL ADOPTION OF PREMISE OCCUPATION ORDINANCE

Commissioner Bevan Wilson explained that this ordinance was initiated at the request of property owners who wanted to expand their small home businesses out into a shed or back yard. The present home occupation ordinance does not allow for that.

Commission Chairman Randy Johnson asked Commissioner Wilson to clarify parts of the ordinance relating to guidelines and inspections, which he did. Commissioner Wilson also explained that the fee schedule would be as follows: \$50 application fee and \$25 per year annual business license fee. This was approved in a previous Planning and Zoning meeting and will be included in their fee schedule.

Commissioner Kent Petersen asked how this ordinance and the fees compared to the ordinances that the cities have. Planning and Zoning director Bryant Anderson indicated that he has contacted the cities and has been told by most that they feel that this issue needs to be revisited.

Commissioner Petersen indicated that he hasn't had time to review the ordinance thoroughly and made a motion to table this matter until the next Commission meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.



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(12)

ROAD DEPARTMENT / LANDFILL ITEMS

Road Superintendent Rex Funk reported that the doors at the new road shop have now been installed and the gas line will be installed tomorrow. He indicated that Gaylen Dugmore was the low bidder on the furnace and they will get that underway as soon as the gas lines are in. The phone system in the building is outdated and will be expensive to repair. They have been offered a used system that was previously installed at Genwal for \$2000. This system will be more than adequate for their needs.

Mr. Funk indicated that he is disappointed in some of the local contractors, he would like to give them their business, but they are not very good about meeting their deadlines. It is not unusual for a one week job to take six to eight weeks. He feels that this needs to be conveyed to them.

The landfill project is moving along smoothly. There have been some problems with finding a place for the septic tank lines, but they should be able to find a way to get them installed properly.

Mr. Funk indicated that he will be contacting the National Guard to see if they are still interested in participating in the clean up of the dump site near Castle Dale. They have requested that the County, Castle Dale City and the BLM sign a disclaimer that holds them harmless for any incident or accident that may occur. The disclaimer was offensive to the BLM and they are not willing to sign it. Deputy County Attorney Allen Thorpe stated that he would not advise the County to sign it either. It may be that the County and the Castle Dale City will have to finish the project without the help of the National Guard.

Mr. Funk reported that the phone company has done damage to a road in Lawrence, he will be looking into that further.

(13)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #95160 through and including #95324 for payment.

The following requisitions were presented for Commission consideration:

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<u>Req.</u>	<u>#Description</u>	<u>Amount</u>	<u>Action</u>
81-96	HP color printer & envelopes	\$ 549	Approved
82-96	Visual Patrol (in car video cameras)	\$16,540	Approved

The following disposition of fixed asset forms were presented for Commission consideration.

- 1993 Xerox copy machine, fix asset #05104, serial #1M1-009142, from the Road Department, to be transferred to RSVP

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve the warrants for payment, requisitions for purchase and disposition forms Motion was approved by all members present.

(14)

APPROVAL OF PERSONNEL ACTION

Personnel director Pat Snowball addressed the Commission and asked for their approval on the following personnel actions.

1. Merit Increases

Library - Carol Larsen from 7D \$8.88/hr to 7E \$9.07/hr

Economic Development - Anne Curtis from 6E \$8.70 to 6F 8.87/hr

Road Department - James Sherman from 11-0 \$12.91/hr to 11P \$13.14/hr

A motion was made by Commissioner Kent Petersen to approve the merit increases for Carol Larsen, Anne Curtis and James Sherman. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

2. Planning and Zoning, Building Inspection, Emergency Management

Colleen Bott, who has performed clerical duties for the department has submitted her intent to leave. Bryant Anderson will appoint an individual to help with clerical duties until December 31, 1996.

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A motion was made by Commissioner Bevan Wilson to approve the appointment of a new person to replace Colleen Bott in the Planning and Zoning Department. He stated that he would like to be part of that hiring process along with Chairman of the Board Mack Huntington. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

3. Ratification of Contribution of Sick Leave to Needy Employee

In order to comply with the personnel policy Ms Snowball asked the Commission to ratify their approval to allow her to send out a letter to the employees requesting that sick leave be donated to a needy employee.

Commissioner Kent Petersen indicated that he would like to discuss this item in executive session. This was agreed to by Commissioners Bevan Wilson and Randy Johnson.

(15)

APPROVAL OF PREVIOUS COMMISSION MINUTES

A motion was made by Commissioner Kent Petersen to table the approval of the previous Commission minutes of October 2, 1996, October 16, 1996 and the Public Hearing of October 16, 1996 until next commission meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

COMMISSION REPORTS

Commissioner Kent Petersen - Commissioner Petersen reported that he had spent last Friday with the BLM Research Advisory Council. They have come up with the final recommendations of that committee for the State standards and guidelines for grazing. He feels good about the recommendations and feels that they have been able to write these standards and guidelines so that they meet the basic requirements of the Department of Interior as well as give the livestock people and the BLM room to operate.

Commissioner Bevan Wilson - Commissioner Wilson reported that in a recent Planning and Zoning meeting they discussed the River Gas EIS, which has been released for a comment period that will end on December 2, 1996. It was their feeling that the comment period was not long enough. Commissioner Wilson has asked that a letter be drafted on behalf of the Planning and Zoning Commission, to be signed by Mike Huntington, Planning & Zoning Chariman; requesting that the comment period be extended by 45

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days. A motion was made by Commissioner Wilson that the Commission also submit a letter requesting that the comment period be extended by 45 days to be signed by Commission Chairman Randy Johnson. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Wilson also reported that he attended a meeting two weeks ago with the BLM which resulted in a report from Dennis Worwood regarding reclamation projects on gravel pit areas. Dennis has been in contact with the BLM and will be put on a committee to review and oversee some of the reclamation on the coal bed methane projects that are being done throughout this district.

Commissioner Wilson stated that he had heard on the news that Wyoming has exempted themselves from the Antiquities Act. He Asked the Commissioners if they had heard this and if Utah should be working toward doing the same. Commissioner Petersen responded saying that he had read about this and explained that it was something that was done by Congress after the Teton Monument was established to exempt Wyoming from having to go through that again. It was his feeling that we should get our Congressional Delegation to do something like that for Utah. Commissioner Wilson made a motion that Emery County should take a very active role and draft legislation to have Utah exempted from the Antiquities Act and to have that presented to the Congressional Delegation. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)

ADJOURN TO EXECUTIVE SESSION

A motion was made by Commissioner Kent Petersen to adjourn the regular Commissioner Meeting at 11:50 a.m. and convene an executive session. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Regular Commissioner meeting reconvened at 12:40 p.m. A motion was made by Commissioner Kent Petersen to ratify the approval for a letter to be sent to employees requesting the donation of sick leave to a needy employee. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

ADJOURNMENT

A motion was made by Commissioner Kent Petersen and seconded by

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Commissioner Bevan Wilson to adjourn the meeting at 12:45 p.m.  
The motion was approved by all members present.

ATTEST:

Donald Ford

CHAIRMAN:

[Signature]

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

November 20, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 4:00 p.m.

(1)

PERSONNEL/INSURANCE ITEMS

Personnel/Insurance Director, Pat Snowball presented the following items for Commission consideration:

A) Assessor's Office - Request was made to give Carol Riddle of the Assessor's office a merit increase on her anniversary date which is December 2 (1986). She would go from a Grade 14, Step C or \$11.67 per hour to a Grade 14, Step D or \$11.91 per hour.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to approve the merit increase for Carol Riddle as presented. Motion was approved by all members present.

B) Personnel Policy Amendments - Resolution 11-20-96A - Presented was Resolution 11-20-96A which amends the personnel policy as follows:

A. A new position in the Sheriff's Office of Administrative Sergeant. The position of Lieutenant is amended relative to wording in the minimum qualifications and the special qualifications.

B. A new position of Public Lands Administrator is created at a Grade 26.

C. The Emery County Salary Plan is amended to add four (4) additional grades.

Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve Resolution 11-20-96A which amends the Personnel Policy as presented. Motion was approved by all members present.

C) County Insurance - The Commission was informed that an accident occurred between a Sheriff's Posse vehicle assigned to Mike Keener when he backed into Duane Taylor's truck. Mr. Taylor submitted two estimates for repair, one for \$705.20 and one for \$716.14. Mr. Taylor would like to accept the \$716.14

## Personnel Items, cont. . . .

because he feels that shop will do the best job for him. He would agree to settle the accident claim outright and have the County pay him personally for the damage.

After further discussion, motion was made by Commissioner Kent Petersen to authorize a check to Mr. Taylor in the amount of the low bid, or \$705.20, allowing Mr. Taylor to use either of the body shops. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

D) Appointment of Public Lands Administrator - Tracy Jeffs, Chairman of the Public Lands Council informed those present of the recruitment and interview process. After that process, it was the Public Lands Council's recommendation that the Commission appoint Val Payne to the position of Public Lands Administrator for Emery County. The proposed annual salary is \$52,500 and Mr. Payne is available to begin work on December 3, 1996.

At the conclusion of Mr. Jeffs comments, the Commission concurred that Mr. Payne was a very good choice. Therefore, motion was made by Commissioner Kent Petersen to accept the recommendation of the Public Lands Council and appoint Val Payne as the Public Lands Administrator at a Grade 26, Step R. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Personnel Director, Pat Snowball noted that the Public Lands Administrator is exempt from the FLSA. That position is a Grade 26, Step R and works out to an annual salary of approximately \$53,000 or \$2,026.40 per pay period or \$25.33 per hour.

(2)

AUDITOR'S BUSINESS

Deputy Auditor, Terry Williams presented to the Commission for their consideration Warrant/Check Edit List #95734 through and including #95899 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
83	Computer Work Table - Recorder	353.70	Approved
84	Okidata 320 Dot Matrix Printer - Recorder	421.00	Approved
85	Office Furniture - Public Lands	3,800.00	Approved
86	Printer - Public Lands	549.00	Approved

Auditor's Business, cont. . . .

87	Computer System - Public Lands	1,629.00	Approved
88	HP5P Laser Printer - Capital Replacement	950.00	Approved
89	Snow Plow and Sander/Spreader - Class B Road	14,012.00	Approved

A fixed asset disposition form for a Cellular Phone, fixed asset #006110, serial #8A2E7070-525 Audio Vox, from the Commission office, to be used as a trade-in, was presented.

Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to approve all warrants for payment except for the one from Coastal States, all requisitions for purchase and the disposition form. Motion was approved by all members present.

(3)

UTAH POWER AND LIGHT QUARTERLY UPDATE

Tom Alexander of Utah Power and Light and Dave Lauruski, Manager of Energy West, came before the Commission to give a quarterly company update. Mr. Alexander noted that Pacificorp is doing well. The earnings are up. He discussed purchase of other facilities. He appreciated the support of Emery County on the Bond issues which helps to keep them competitive. They have completed a three-year labor agreement.

Commissioner Kent Petersen asked if leases have been identified as a result of PacificCorp relinquishing coal leases in the Karparositz Area. Mr. Lauruski indicated that they are uncertain as to how those coal reserve trade-outs are working out at this time. He talked of current leases, drilling programs and agreed that he and other company representatives will meet further with the Commission to discuss later holdings.

(4)

TAX ABATEMENT REQUESTS - ROCKY MOUNTAIN BAPTIST CHURCH IN FERRON

Joe Kueffler Pastor, came before the Commission requesting tax abatement for the Rocky Mountain Baptist Church located in Ferron. He noted that the property had been purchased earlier in the year and their share would be for the remaining six months in which they would like to receive an abatement. He noted that when they received the tax notice, they found it to be considerably higher than anticipated and did not realize until this time that they needed to apply for a tax abatement.

Mr. Fauver indicated taxes on the building for one-half year are approximately



\$900.  
Tax Abatement Requests, cont. . . .

Whereupon, motion was made by Commissioner Kent Petersen to approve the abatement on the last six months taxes for the portion of time in which the church obtained ownership of the building in that they have met State qualifications for tax exemption. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)  
ANN SITTERUD - NEIGHBORHOOD WATCH PROGRAM

Sheriff, Lamar Guymon indicated this matter has been resolved. Therefore, no action was required by the Commission.

(6)  
REQUEST TO DISPOSE OF COUNTY-OWNED PROPERTY

From the Commission minutes of October 16, 1996, David and Cindy Avery of Huntington, Utah, had requested the County make available for purchase two lots located in the Jay Powell Subdivision in Huntington. County Assessor, James Fauver and Commissioner Bevan Wilson have since examined those lots. Mr. Fauver indicated the value set forth at that time of \$1,200 be a minimum bid.

Whereupon, motion was made by Commissioner Bevan Wilson to begin the process of disposing of the property as outlined in the Procurement and Disposal Policy of Emery County and that the County Attorney's office begin the necessary notices and advertisements. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)  
APPROVAL OF AMENDMENT TO LEASE MANAGEMENT AGREEMENT FOR THE AIRPORT RESIDENCE

Commissioner Bevan Wilson noted that as a result of the fire damage of the old mobile home at the Airport and the installation of a new modular home, it was felt there was a need to review the lease agreement and identify the use of the home and its occupancy. Therefore, the addendum was prepared. Mr. Robinson has reviewed and signed that addendum.

Therefore, motion was made by Commissioner Bevan Wilson that Emery County approve and sign their portion of the addendum to the original management agreement as it relates to the residential home and its occupancy. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

RESIGNATION OF COUNTY AUDITOR, ROSS C. HUNTINGTON

Commission Chairman Randy Johnson read aloud a letter received from County Auditor, Ross Huntington who will resign as Emery County Auditor on December 31, 1996, to take other employment. In his letter, Mr. Huntington expressed appreciation to the Commission, the residents of Emery County for their support and the great employees of the County.

Commissioner Johnson asked County Attorney, David Blackwell to review with the Commission the time table and procedures in filling the vacancy.

Whereupon, motion was made by Commissioner Bevan Wilson to accept the resignation of County Auditor, Ross Huntington effective December 31, 1996. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

At this time, the Commission recognized the involvement and efforts of Mr. Huntington in that he has been thorough in his job and has been a big help in the Nursing Home issue. They expressed further appreciation and recognized his dedication and service to the people of Emery County.

(9)

PUBLIC DEFENDER BID OPENING

Clerk, Bruce Funk opened bids received in regards to the Public Defender position. Three bids were received. Two bids covered conflict cases. One from Margret Sidwell Taylor, wherein, she gave the bid amount of \$75 per hour, plus out of pocket expenses which were determined to be very minimal. She further noted that travel time would not be assessed as part of her costs. The second bid was from Michael Harrison in the amount of \$90 per hour in conflict cases. The only bid received for Public Defender Service was from David M. Allred of Castle Dale in the amount of \$36,000 per year for the year 1997, with attached understandings he has with Carbon County.

Whereupon, all bids were turned over to County Attorney, David Blackwell.

Motion was made by Commissioner Kent Petersen to accept the low bid of Margret Taylor as submitted for conflict cases and recognized David Allred as the low bid for the Public Defender. The acceptance of bids is subject to review and approval of the County Attorney. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

ROAD DEPARTMENT/LANDFILL BUSINESS

A) Landfill Powerline - Administrative Assistant, Carol Ware noted that Howard Tuttle of Johansen and Tuttle Engineering has met with BLM staff on the right of ways and the application for construction of a power line to the landfill. He has reviewed the stipulations and addressed County concerns. The final document is being prepared. It was Mr. Tuttle's recommendation that it be approved and signed upon receipt noting that Mr. Tuttle is comfortable with the final document.

County Attorney, David Blackwell indicated he has received a copy for review.

Commissioner Bevan Wilson questioned whether in the construction of the power line to the landfill, is the County comfortable with a temporary permit and would the permit become permanent.

Whereupon, after further discussion, motion was made by Commissioner Bevan Wilson to approve and authorize the signing of the right-of-way upon its receipt. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

B) Ferron Canyon Dip Project - Carol Ware presented an abstract summary of the bids received on the Ferron Canyon Dip construction project. The bid opening was held November 12, 1996. The engineer's estimate for the project was \$40,000. Minchey Digging was the apparent low bidder in the amount of \$37,680. Nielson Construction bid amount was \$41,682.50. Sinbad Construction bid amount was \$42,131.12. Vancom bid amount was \$47,935.

Johansen and Tuttle Engineering has reviewed the bids and recommends awarding the project to Minchey Digging who was the apparent low bidder.

Whereupon, motion was made by Commissioner Kent Petersen to accept the low bid of Minchey Digging in the amount of \$37,680, authorizing the Commission Chairman to sign the Notice of Award and that he be authorized to sign any additional paper work on the project in order to expedite the project. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

BUSINESS LICENSE

A business license application from Gary D. Gardiner, doing general oil field roustabout work was presented for Commission consideration. It was noted that Planning and Zoning Director, Bryant Anderson has approved the application.

Whereupon, motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to approve the business license application from Gary D. Gardiner as presented. Motion was approved by all members present.

(12)

DISCUSSION OF THE PROFESSIONAL BUILDING IN CASTLE DALE

The Professional Building in Castle Dale having been turned over to Emery County as a result of the May Tax Sale was discussed. Commission Chairman Randy Johnson indicated he has received inquiries as to what the County is going to do with the building, particularly in light of the building having been condemned. He noted that he will make the necessary effort to get the school district personnel to investigate if the building does contain any asbestos. He inquired of those present their interest in the building and whether it should be demolished. If demolished, should it be done by outside contract rather than County personnel.

It was the consensus of the Commission that no action be considered on this matter until a determination is made as to the asbestos. Commissioner Randy Johnson will follow up.

(13)

ADOPTION OF THE PREMISE OCCUPATION ORDINANCE 11-20-96B

Deputy County Attorney, Allen Thorpe briefly reviewed some of the purposes in the Premise Occupation Ordinance. He noted that prior hearings have been held. The proposed ordinance incorporates some of the prior discussions.

Commission Chairman Randy Johnson indicated that most of the concern expressed to him was over the fee schedule. Commissioner Bevan Wilson indicated the Planning Commission will consider the fee schedule at a later time when all business licenses are considered. Therefore, at this time they will be consistent with the \$25 business license fee as presently assessed.

At this time, motion was made by Commissioner Kent Petersen to adopt the Premise Occupation Ordinance 11-20-96B as presented. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

MANAGEMENT OF THE EMERY COUNTY NURSING HOME

Commissioner Kent Petersen noted that in September of 1996, the County took over the management of the Nursing Home replacing Heritage Management. At that time, they installed John Bramall as an acting Administrator who has been there these past two months. There is a need to determine in what direction the County would like to proceed and make a more permanent decision on the management. It was recommended that Mr. Bramall and the Nursing Home Board come up with possible options. This matter to be discussed further in the next Commission meeting.

(15)

APPOINTMENT OF BOARD MEMBER TO THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY

Commissioner Bevan Wilson noted that the Municipal Building Authority is a separate corporation from County Government. It is a five-member board. It does contain the three County Commissioners and Dennis Nelson of Ferron. There was one remaining vacancy to be filled. Therefore, it was his recommendation that Randy Jensen of Cleveland be considered in that vacancy. Mr. Jensen was highly recommended because of his financial and building background.

Whereupon, motion was made by Commissioner Bevan Wilson to appoint Mr. Randy Jensen to the Municipal Building Authority of Emery County. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

DISCUSSION OF FUNDING OF RECREATION DISTRICT

Dan Whiteleather came before the Commission to discuss future funding of the Recreation District. He thanked the Commission for their support both financially and morally over the years. He noted that the Green River Golf Course is now complete. The Recreation District has \$50,000 left in their account. They propose to go to the PCIFB and ask for a matching grant. Those funds are to be divided amongst the cities and towns for small projects. The cities contributing 10% match in money or in kind labor. Projects mentioned were Castle Dale's skating rink. Of concern to him was that if permanent funding for the Recreation District is not found, there is no reason for the District to be in existence. It's existence prohibits cities from going to the PCIFB for recreation projects. He felt that the Recreation Board does add a lot to the County.

Commission Chairman Randy Johnson, as well as the Commission, recognized the need for recreation. He does hear about and receive questions about recreation projects. He would like to see it continue to function. It is a viable force in the County. The Commission should look at ways of funding. Mr. Whiteleather noted that they supported a proposal recommended by Ross Huntington. Commissioner Johnson noted that Mr. Huntington's proposal would be one of a number being considered at budget time.

Commissioner Kent Petersen noted that the recreation District is a worthwhile organization.

Commissioner Bevan Wilson inquired about the Castle Dale Recreation and Senior Citizen project and if the County was to carry over the \$200,000 into next year or whether they would consider proceeding with the Senior Citizen portion only. He noted that he would like to see that happen next year. Mr. Whiteleather indicated that the County should carry over the funds. There is support for the Senior Citizen portion and this would be discussed further.

(17)

COMMISSION MINUTE APPROVAL

The minutes of the October 2, 1996, Commission meeting were reviewed and corrected. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the October 16, 1996, Commission meeting were reviewed and corrected. Motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to approve the minutes as corrected. Motion was approved by all members present.

The minutes of the Public Hearing held on October 16, 1996, were reviewed. Motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to approve the minutes as presented. Motion was approved by all members present.

The minutes of the November 6, 1996, Commission meeting were held to allow the Commission sufficient time for review.

(18)

COMMISSION MEETING CHANGES

Discussed by the Commission was the December 11, 1996, Commission meeting date. It was noted it is in conflict with upcoming National Holiday Tree activities in Washington, D.C., in which the Commission will be attending. Therefore, motion was made by Commissioner Kent Petersen to cancel the December 11, 1996, Commission meeting and reschedule it for December 18, 1996, at 4:00 p.m. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

COMMISSION REPORTS

Commissioner Bevan Wilson:

He acknowledged receipt of a letter received from the Emery Water Conservancy District in regards to their budget which had previously been submitted to the Commission. The Commission having not responded. The letter outlined that a public hearing will be held on December 2, 1996, at 7:00 p.m. and should the Commission have comments in regards to their budget, they may do so at that time.

Commissioner Kent Petersen:

He expressed appreciation to Editor Scott Neindorf for the fine article he put in the paper on the wilderness lawsuit. He noted that the result in that lawsuit was a permanent preliminary injunction which will remain

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November 20, 1996

Commissioner Kent Petersen, cont. . . .

in effect until the case goes to trial.

He expressed appreciation to Commissioner Johnson and the County Sheriff and his department on the holiday tree activities. Particularly Commissioner Johnson on his address made in Salt Lake, the Sheriff and deputies for their plans and service.

The Commission requested that the Sheriff accompany the tree in Washington, D.C.

The Commission further thanked Administrative Assistant Leslie Bolinder in coordinating the activities and her support on the project.

Commission Chairman Randy Johnson:

He noted that Emery County was the motivating force behind the Wilderness Reinventory law suit.

The Commission further recognized Commissioner Randy Johnson who serves on that Lawsuit Strategy Committee and his vital role in that process and his representation of Emery County and the Public Lands Council.

(20)

OTHER BUSINESS

Treasurer, JoAnn Behling informed the Commission that Emery County has been ordered to refund a portion of Questar's prior year's taxes. It was Questar's request that that amount be credited to this year's taxes. However, after discussion, the Commission felt that this would possibly not be appropriate in that they have not had sufficient time to analyze those costs and any affect on future adjustments to other companies.

Therefore, motion was made by Commissioner Kent Petersen that they do not accept Questar's request to credit the refund amount to the present taxes due this year. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(21)

DISTRICT COURT COMPUTER SOFTWARE SUPPORT

Clerk, Bruce Funk advised the Commission that the State Court computer system will not be installed until the middle or latter part of January 1997. He noted that Emery County is scheduled to go off software maintenance on the PMSI system the end of November. He has contacted Sue Miller of PMSI and they have agreed to continue that court software support at the same cost of \$310 per month.

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District Court Computer, cont. . . .

Whereupon, motion was made by Commissioner Kent Petersen and seconded by Commissioner Bevan Wilson to accept the software support from PMSI at the rate of \$310 per month as requested until the State Court system is installed. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(22)

EXECUTIVE SESSION

Motion was made by Commissioner Kent Petersen to adjourn into Executive Session at 6:40 p.m. Motion was seconded by Commissioner Bevan Wilson and approved by all members present. Those present were Commissioners Bevan Wilson, Randy Johnson, Kent Petersen; Attorney, David Blackwell and Clerk, Bruce Funk. (Sheriff Guymon was there to discuss the outcome of the Sheriff's department personnel issues.) Other matters discussed were pending litigation.

The Commission meeting reconvened at 7:10 p.m.

(23)

MEETING ADJOURNMENT

The Regular Commission meeting adjourned at 7:10 p.m.

ATTEST:

  
\_\_\_\_\_

CHAIRMAN:

  
\_\_\_\_\_



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

December 4, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk, Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 4:00 p.m.

(1)

DISCUSSION OF STATE COURT CONTRACT WITH EMERY COUNTY

Mr. Tim Simmons, Trial Court Executive for the Seventh Judicial District Court addressed the Commission asking for favorable consideration in the State assuming the administration of the clerical functions of the Castle Dale District Court office. He noted that the State of Utah has contracted with Emery County for State Court services for the past seven or eight years. He explained that full-time employment with the State of Utah as well as a State employment benefit package would be offered to the two deputy clerks that currently serve this function out of the county Clerks office. It would also be their desire to discuss the present lease arrangement which may need some adjustment.

Mr. Simmons outlined the following advantages:

1. Juvenile Court clerical services would be provided to the citizens of Emery County on a daily basis.
2. Establishing Castle Dale as full-service (District and Juvenile Courts) will give permanence to the State Courts being located in Emery County.
3. The administration of the Seventh Judicial District would be consolidated in four Counties and no longer bifurcated.
4. Law enforcement would have easy access to filing in Juvenile Court as well as access to the statewide Juvenile Court information system.
5. Judge Johansen would office in Castle Dale part of the time, thus being available to law enforcement and the public on a regular basis for both Juvenile and District Court

matters.

6. Possible State Courts participation in future planning of Public Safety/Criminal Justice facilities in Emery County
7. Emery County would be relieved of any liability regarding the operation of the District Court.

In response to a question from Clerk Bruce Funk, Mr. Simmons indicated that the State would assume all of the accumulated vacation, sick leave and other benefits as well as present salaries of the two County Employees presently employed as Clerks. He also noted that if the Commission elects to make this change it will require a written request to the Judicial Council to enable them to change the rule that sets forth which sites are contract sites. The present contract expires June 30, 1997, however, action can be taken on this change at any time.

District Judge Bryce K. Bryner addressed the Commission noting that the Castle Dale office represents a large part of the business that is conducted in the Seventh District. He emphasized the benefit of having Juvenile Court services brought to Castle Dale. Another benefit would be in having a Judge available in Emery County two to three days a week to handle minor matters of the District Court. It is his opinion that this would greatly improve the Courts ability to provide services to Emery County.

(2)

CITIZEN CONCERNS

There were no concerns presented to the Commission at this time.

(3)

CONSIDERATION OF APPROVAL BETWEEN EMERY COUNTY AND ROBERT WEIDNER

Commission Chairman Randy Johnson explained that Robert Weidner is a lobbyist who is employed through the Rural Public Lands Council. Each county that is involved contributes a portion of the funds needed to retain him. His contract is up and he is requesting \$11,000 from Emery county, this amount is up by \$1,000 from last year.

Commissioner Johnson noted that Mr. Weidner has done a good job he was instrumental in passing the increase in PILT funds for this year and next.

Commissioner Kent Petersen noted that he feels that it has been beneficial to have Mr. Weidner working for our interests in

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Washington and he made a motion to approve the contract. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

DISCUSSION AND APPROVAL OF 1997 RC&D SPONSOR DUES

Commission Chairman Randy Johnson inquired if this item is on the proposed budget under business contributions. Auditor Ross Huntington indicated that it is. Commissioner Kent Petersen made a motion that this item be moved and discussed during the budget session. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

CONSIDERATION AND APPROVAL OF WATER LEASE WITH CASTLE DALE CITY

Commissioner Bevan Wilson questioned if the amount of \$10 per share per year as rental was a fair going rate for this irrigation system. Auditor Ross Huntington indicated that both Orangeville and Huntington have been paying this amount for lease water. Commissioner Wilson made a motion to approve the lease. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

CONSIDERATION AND APPROVAL OF NEW SITE AGREEMENTS BETWEEN KUED-TV/KULC-TV AND EMERY COUNTY ON HORN MOUNTAIN

Commission Chairman Randy Johnson reported that Emery County does not have the appropriate Forest Service permit for the use of the Horn Mountain relay site. The Permit is in the process of being obtained. While we can not allow any new uses for that mountain until the permit is obtained, this agreement is a traditional use of the site and it is appropriate to approve the agreement at this time.

A motion was made by Commissioner Kent Petersen to approve the agreement. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

There was some concern expressed by a Cleveland resident that they have not had good T.V. reception in Cleveland since the site was repaired and a new antenna was installed. He has been told that the problem is being caused by the old antenna which is still in place in front of the new one and is blocking the signal. The Commission indicated that they would follow-up on this issue.

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(7)

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDING THE 1996  
BUDGET FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT CAPITAL PROJECT  
FUND AND DEBT SERVICE FUND

Darrell Leamaster of the Castle Valley Special Service District outlined the proposed changes to the Capital Account Fund and the Debt Service Fund and the reasons for them. He explained that there were some projects that were expected to be completed in 1995 that were not actually completed until 1996. The revenue and expenditures connected with these projects were not included on the 1996 Capital Account Budget. Also, there was some interest revenue and interest expense that was not included in the 1996 Debt Service budget. The meeting was opened up for comments or questions. There were none.

A motion was made by Commissioner Kent Petersen to approve the resolution to amend the 1996 budget for the Castle Valley Special Service District. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

JOHN EDDINS - DISCUSSION OF IN-DOOR PISTOL RANGE

Mr. John Eddins addressed the Commission and expressed concern with the growing number of people who are obtaining concealed weapon permits. It is his feeling that some of these people are not properly schooled in the safe handling of these weapons and he would like to see the Commission investigate the possibility of providing the local Sheriff's department with an indoor pistol range for their benefit as well as to provide a place for people to go where they could be properly trained in the use of their firearms. Mr. Eddins offered to purchase for the Commission a book that is published for the NRA that outlines the requirements for this type of facility.

The Commission indicated that they would consider this request and discuss it with, not only the Sheriff's Office, but also the Recreation Department.

(9)

DISCUSSION OF COASTAL STATES ENERGY AND GEORGE CONOVER TAX  
ADJUSTMENTS

Treasurer Joann Behling addressed the Commission to request a tax adjustment on Coastal States Energy and Abco Aviation. Coastal States has deducted from this years taxes the tax refund ordered which Emery County is obligated to pay back. The refund amount for Abco Aviation is \$7,399.06 and the amount for Coastal States

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is \$28,029.73.

A motion was made by Commissioner Kent Petersen to approve the tax adjustment as submitted for Coastal States Energy. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Mr. Conover was not scheduled to be at the meeting until a later time. The approval of his tax adjustment was postponed until he arrived.

(10)

ROAD DEPARTMENT / LANDFILL ITEMS

Road Superintendent Rex Funk began by stating that the landfill water project is nearing completion and the mobile office is in place.

He indicated that in the preliminary budget session the Commission agreed to allow the Road Department to purchase one tractor at the beginning of 1997 and then defer the purchase of the other equipment until the first of the summer of 1997. He reported that Peterbilt in Salt Lake City has received some new tractors and he requested permission to go look at them and get pricing on one now before the construction season begins and they are all gone. The Commission indicated that they would approve that action.

(11)

RE-CONSIDERATION OF CONTRACT WITH PUBLIC DEFENDER CONFLICTS COUNSEL

County Attorney David Blackwell began by stating that this had been put on the agenda because there was some question on Attorney Margaret Taylor's bid regarding how she would charge for travel. She indicated that she would not charge for travel time. She also indicated that she did not want to handle any Department of Family Services hearings and if the County would require her to handle these cases she would like to withdraw her bid. Attorney Mike Harrison has indicated that he would be willing to handle the DFS cases and split the criminal cases with Ms. Taylor.

Commissioner Johnson asked if Ms. Taylor was aware that the DFS cases were to be included in this contract. Mr. Blackwell indicated that she said she was not aware of it prior to bidding. Commissioner Kent Petersen made a motion to modify the previous decision of the Commission and accept both of the conflicts counsel bids with Mr. Harrison to handle all of the DFS cases and

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split the criminal cases between he and Ms. Taylor. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

APPROVAL OF TAX ADJUSTMENT FOR GEORGE CONOVER

Deputy Assessor Carol Riddle explained that Mr. Conover was unable to attend board of equalization meetings for health reasons. He did not understand that he could come in during that 30-day period. He is asking for the Commission to make an adjustment on the taxes he paid based on the new appraisal that was done on both his duplex and his home in Ferron. Mrs. Riddle explained the reason for the reappraisals and the adjustments that were made. The amount of the adjustments would be \$43.91 on the Duplex and \$64.34 on the Home.

A motion was made by Commissioner Kent Petersen to approve the tax adjustments for George Conover as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE 1997 BUDGETS FOR ALL EMERY COUNTY FUNDS AND CASTLE VALLEY SPECIAL SERVICE DISTRICT

Auditor Ross Huntington began by explaining that the Supreme Court has upheld the State Tax Commission's decision to lower Utah Power & Light's property values. This will require that the County refund money that was collected from UP&L in 1992. County-wide there will be over \$1,000,000 that has to be refunded. The County's portion of that amount is \$311,000. The School District has the biggest share to refund which is over \$600,000.

Mr. Huntington explained the reason for the tax increase (Judgment Levy). He indicated that the newspaper notices were very confusing and clarified them by stating that taxes will increase by approximately \$30 based on a \$100,000 home with a taxable value of \$60,000. He explained that the State Tax Commission assigns a value to centrally assessed property and the County bases its budget on those values. When centrally assessed properties taxes are appealed it puts a burden on us at the County level because we are required to refund that money. In this case the appeal went to the Supreme Court which ruled in favor of UP&L for 1992. The appeals for 1993, 1994 and 1995 were dropped by UP&L. They did not appeal for 1996.

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The County has two options; to take the refund out of the existing budget which would require that budgets be cut in all departments or to levy a special tax, called a Judgment Levy, to collect the refund amount. He noted that if we choose the Judgment Levy then, because UP&L is the largest tax payer in Emery County, they will be paying 75% of the amount of their own refund.

Mr. Huntington clarified for the public that this would be a one time tax increase to pay the refund on this appeal. It will not continue for another year unless there is another appeal. If there is another appeal the County will have to go through this same process to invoke another Judgment Levy.

Commissioner Kent Petersen explained that the legislature is purposing to change the law to require the County Treasurer to set aside the amount of the appeal in escrow until it is settled. The Counties will then base their budgets on the amount that is not under appeal. This means that if UP&L appeals 10% of their taxes then everyone's taxes will go up by 10%, similar to the Judgment Levy that we are purposing now then that money will be kept in escrow. This will provide an incentive not to protest because they will be causing their own taxes to increase and could cause them to loose interest income on that money. This legislation will also enable the State Tax Commission to act and settle these cases more quickly so that the Counties are not left hanging for years before they are settled.

Mr. Huntington clarified that the amounts that the Cities would refund that were published in the newspaper notices are total amounts for the Cities not amounts per household. He also stated that the Emery Water Conservancy District's board has chosen not to participate in the Judgment Levy, they will refund the money directly.

Darrell Leamaster of the Castle Valley Special Service District explained that their District has debt that they must make the payments on. Therefore the tax revenue they receive can not be set aside to pay a refund if necessary. If it were not for the Judgment Levy they would not have the money available to pay their portion of the refund. Treasurer Joann Behling stressed that if the revenue from taxes that was under protest had not been apportioned then the Judgment Levy would not be an option.

Mr. Huntington presented copies of the proposed budgets for Emery County to the Commission and noted that the 1997 proposed budget is less than the 1995 and 1996 budgets if you subtract the money that has been budgeted to pay the refund. He outlined the budgets for the different departments and explained the reasons

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for the amounts shown. Special attention was drawn to the Capital Projects Fund and Mr. Huntington explained where the revenue for that fund comes from and what projects are budgeted for 1997.

Mr. Huntington stated that the budget is a lean one and the Commission has spent a lot of time working through it. He feels they have done an excellent job. Included in the budget are salary increases for all employees, the Commissioners and Elected Officials as well as on-call pay for the EMT's. He noted that there will be some restructuring in the Data Processing Department and the Recreation Department.

Darrell Leamaster presented copies of the Castle Valley Special Service District budgets to the Commissioners. He explained that each year for the last three or four years the District has borrowed money in the form of Tax Anticipation Notes to give them enough money for their cash flow. These will be repaid around the 15th of January 1997, however, this money will not be received back until November of 1997. This will make it necessary to borrow more money through Tax Anticipation Notes this year than last year. Mr. Leamaster explained the budgets and the reasons for the amounts shown. He outlined some of the projects that are budgeted for 1997.

Commission Chairman Randy Johnson opened the meeting for public comment. Ira Hatch from Huntington, addressed the Commission and expressed his concern regarding the refund to UP&L and the general tax increase. He is concerned that the monies now available to fund new projects through the CIB will not always be available and hopes that the County will keep in mind the cost of maintenance and the future burden of these projects to the County when planning new projects. It is his feeling that the County should strive to live within its means. He commended the Commission for tightening the budget, however, he does not agree with large salary increases for elected officials. He is concerned that the large salary increase is moving the position of County Commissioner toward becoming a profession rather than a paid service position.

Mr. Hatch's concerns were addressed by Commission Chairman Randy Johnson. Commissioner Johnson explained that the demands of the Commissioner position make it a full time job. He further explained that during the budget process this year the Commission was especially sensitive to the decrease in values of the centrally assessed properties. They recognized that we are loosing some income base and realize that those issues have to be looked at when planning long term projects. He assured Mr. Hatch that the recreation District is looking at small long term



projects that will benefit the entire County as a recreation package and are moving away from large projects that will produce burdens in the future.

Darrell Leamaster indicated that the Castle Valley Special Service District Board is also aware of these value decreases and is keeping them in mind in their planning process. They are looking at a possible tax reduction on their Debt Service Fund after 1998.

Mark Williams addressed the Commission and stated that he has worked construction in many different parts of the State and is proud to say he is from Emery County. He has been able to compare the condition of the roads and sewers, etc in other Counties and feels that Emery County has been able to do an excellent job for the citizens in terms of providing them with the improvements they desire and need. He commended the Commission for reducing the budget. He questioned the Commission on specific line items in the budget. His questions were addressed by Auditor Ross Huntington and Commissioner Bevan Wilson.

Jim Whear from Four Corners Mental Health recognized the Commission saying that it has been a pleasure to work with them for the past several years.

Auditor Ross Huntington indicated that the budget for the Clerk/Auditor's office was done by him with no input from anyone else. Since this will be a new office there is no history to go by when estimating the budget. It is his feeling that it may need to be adjusted at some point during the year.

Mr. Huntington explained the multi-county redistribution or assessing and collecting that the State does on centrally assessed property allows the State to take tax money from counties with high tax values and distribute a portion of it to other counties based on a per parcel count and some other factors. The purpose of this fund is to equalize assessing and collecting statewide.

Commissioner Bevan Wilson explained the Emery County Road District and the benefit it has been to the County and the School District. He outlined the projects that have been done under this program.

A motion was made by Commissioner Kent Petersen to close the public hearing. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(14)  
DISCUSSION OF EMERY COUNTY AUDITOR VACANCY

Commission Chairman Randy Johnson explained that because of the resignation of Auditor Ross Huntington, the Commission is considering combining the Auditor's Office with the Clerk's Office. There has been input from the County Attorney. They have asked the Auditor to reflect what the cost would be to make the combination in the budget and then determine in the meeting today whether to proceed with the combination or to appoint someone to fill the Auditor position. If the decision to combine is made, the next step will be to meet with all those involved, determine what steps need to be taken and then hold a public hearing. There were concerns over personnel. It was determined that through reassignment of personnel no lay-offs would be necessary. The costs are hard to determine, but it is estimated that there will be a savings to the County. The Commission agreed that it would be wise to hire a full-time accountant to work in the office. Auditor Ross Huntington indicated that there are some Counties who have hired full-time CPA's to work under the supervision of an elected official. The reason for this is that the accounting is becoming more and more complicated.

Clerk Bruce Funk stated that he has tried not to influence the Commission in any direction on this issue. He will do his best to assume and perform the duties required of him. He is concerned slightly with staffing in regard to the Clerk's Office where, because of the change in the administration of the District Court, he could be losing two or possibly three of his employees in that office. He asked the Commission for their support in negotiations with the District Court and resolving the issues that will be outstanding there. It is his feeling that the assets should be transferred to the County to provide for the Counties needs. The advantage of doing this early on is that the Court has budgeted funds for the contract that have not been disbursed yet. This would allow the Court to take that money and buy new equipment.

Commissioner Kent Petersen made a motion to hold a public hearing on December 18, 1996 to discuss the issue of combining the County Clerk's Office with the Auditor's Office. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(15)

APPROVAL OF RESOLUTIONS ADOPTING THE 1997 BUDGETS FOR ALL EMERY COUNTY FUNDS AND CASTLE VALLEY SPECIAL SERVICE DISTRICT

Commission Chairman Randy Johnson stressed that it should be understood that if they adopt the budgets at this time there will still be a public hearing on the combination of the Clerk and Auditor's offices and there would also be a separate hearing on the elected officials raises which are proposed in this budget. Commissioner Kent Petersen asked if the changes in setting up the Recreation and Fire District, the redistribution of the state PILT money from the Special Service District #1 to the Recreation District and Fire District and the creation of an Emery County CIB that are proposed will require public hearings as well. County Attorney David Blackwell indicated that these things are done by resolution and will not require public hearings.

A motion was made by Commissioner Bevan Wilson to approve the 1997 budget of Emery County and all County funds and Castle valley Special Service District. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

CONSIDERATION AND APPROVAL OF 1997 HOLIDAY SCHEDULE AND 1997 SCHEDULE OF REGULAR MEETINGS OF THE BOARD OF EMERY COUNTY COMMISSIONERS

Commission Chairman Randy Johnson discussed the annual meeting schedule. Two dates were questioned, one was the December 17 meeting and it was determined that they would need to hold that meeting on or before December 15. The other was the Board of Equalization in Green River on the August 20. It was determined that the August 20, date would be good, only the December 17, date should be changed to December 15th.

Commissioner Kent Petersen made a motion to approve the attached Commission Meeting Schedule as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The Commission briefly discussed the holiday schedule and found it to be satisfactory. Commissioner Kent Petersen made a motion to adopt the attached holiday schedule. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(17)  
AUDITORS BUSINESS

Auditor Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #95921 through and including #96068 for payment.

The following requisitions were presented for Commission Consideration

<u>Requisition #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
90-96	Annual fees of floating software licenses.	\$ 3,500	Approved
91-96	7' snowplow for airport.	1,800	Approved
1-97	ARC/INFO Software installation kit.	400	Approved

A motion was made by Commissioner Bevan Wilson and seconded by commissioner Kent Petersen to approve the warrants for payment and requisitions for purchase. Motion was approved by all members present.

(18)  
APPROVAL OF PREVIOUS COMMISSION MINUTES

The minutes of November 6, 1996 were read and corrected. A motion was made by Commissioner Kent Petersen to approve the minutes as corrected, seconded by Commissioner Bevan Wilson and approved by all members present.

The minutes of November 20, 1996 were read and corrected. A motion was made by Commissioner Bevan Wilson to approve the minutes as corrected, seconded by Commissioner Kent Petersen and approved by all members present.

The minutes of the Election Canvass held on November 12, 1996 were reviewed. A motion to approve the minutes of the canvass was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

(19)  
APPROVAL OF PERSONNEL ACTION

Personnel director Pat Snowball addressed the commission and asked for their approval on the following personnel actions.

1. RSVP

the RSVP Coordinator in Grand County is a 9-month temporary employee. It is proposed to make the position a regular part-time position at less than 20 hrs/wk with no benefits. In order to do this it is necessary to advertise; however, the employee occupying the position currently is eligible to apply as a county employee who wishes to keep the job. Additionally, it is the department head's choice whether to post "in-house". Therefore, it is Carolyn Randall's recommendation that the job be posted "in-house". It will be a Grade 4, Step A, \$7.35/hr, no benefits.

A motion was made by Commissioner Kent Petersen to approve the request for "in-house" posting of the position for RSVP Coordinator in Grand County. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

2. Planning/Zoning - Building Inspector - Emergency Management

Request is made to approve the recruitment of a regular part-time, clerical employee, less than 20 hr/wk., at a rate of Grade 6, Step A, \$7.99/hr, no benefits.

It was the Commission's decision to place a hold on the approval of this item until a later time.

3. Extension Office

Lynda Nelson has been recommended for a two-step merit increase. she would go from Grade 9, Step K, \$11.18/hr to Grade 9, Step M, \$11.48/hr.

Before taking action on this matter it was the Commission's decision to revisit the job description and responsibilities of Mrs. Nelson. This item will be placed on the agenda for December 18, 1996.

4. INMATE MEDICAL COVERAGE

Mrs. Snowball presented documents to the Commission regarding inmate medical coverage for their signature. This issue was approved in a previous Commission meeting.

A motion was made by Commissioner Kent Petersen to authorize Commission Chairman Randy Johnson to sign the documents. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(20)

OTHER BUSINESS

Road Superintendent Rex Funk reported that he has lost one employee. He asked permission to replace that employee. The Commission ask that he hold off on any action in regards to this matter for the present time.

David Blackwell informed the Commission that Deputy Attorney Allen Thorpe, who is advisor to the Planning & Zoning Commission, has indicated that the board has recommended that the Elk Spring subdivision on East Mountain be vacated. They are requesting that a public hearing be held on January 8, 1997. They will send out the appropriate notices.

Whereupon a motion was made by Commissioner Kent Petersen to schedule a public hearing on January 8, 1997 at 9:00 a.m. to receive public comment on this issue. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(21)

COMMISSION REPORTS

Commissioner Kent Petersen

Commissioner Kent Petersen reviewed documents received from the architects on the addition at the Emery County Nursing Home. He noted that their fee is 8% of the cost plus other expenses. This same firm has also been asked to do the heating and air conditioning system at the courthouse.

Commissioner Petersen noted that the nursing home board has met and made a decision to take applications on management of the nursing home. They have asked Mr. John Bramall to write the job description and qualifications. This will be advertised locally as well as in the Salt Lake Area. Commissioner Kent Petersen invited Commissioners Bevan Wilson and Randy Johnson to be part of the interview process.

Commissioner Bevan Wilson

Commissioner Bevan Wilson reviewed the importance of the Emery County Special Service District #1, noting that they planned to recommend the creation of a mini CIB for grants to eligible local entities within Emery County.

Commissioner Randy Johnson

Commissioner Randy Johnson indicated that the Commission will be

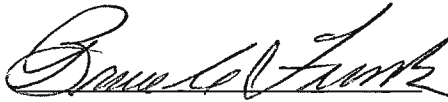
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attending a number of meetings in Washington D.C. They will meet with State delegates and Congressional people as well as Mr. Weidner, lobbyist for the Public Lands Counsel to discuss the Wilderness Bill and RS2477 roads. They are also anticipating a news conference.

(22)  
ADJOURNMENT

A motion was made by Commissioner Kent Petersen to adjourn the meeting at 12:43 p.m. The motion was seconded by Commissioner Bevan Wilson 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**

December 18, 1996

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell, Auditor Ross Huntington and Deputy Clerk, Marcee Wright.

The meeting was called to order at 4:00 p.m. by Commission Chairman Randy Johnson.

(1)

PERSONNEL ITEMS

Personnel director Pat Snowball addressed the Commission and requested approval for the following actions:

Economic Development

Request is made to make a pay adjustment in Rosann Fillmore's salary from 18E \$1,152.00/pp to 18L \$1,319.20/pp effective January 1, 1997.

After some discussion, it was decided that Mrs. Fillmore should receive a slightly smaller increase on January 1, 1997 and then another small increase on her anniversary date. This would be more in line with what the other employees are receiving.

A motion was made by Commissioner Kent Petersen to approve an increase for Rosann Fillmore from 18E to 18K effective on January 1, 1997 with a step increase to 18L to be effective on her anniversary date. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

RSVP

Upon being offered the job of RSVP Coordinator, Alberta Knight, did not accept it. Approval to begin the recruitment once again is requested. As a regular part-time, less than 20-hour/week position, it is a Grade 4, Step A, \$7.35/hr, no benefits.

A motion was made by Commissioner Kent Petersen to approve the request to recruit for the position of RSVP Coordinator. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.



Sheriff's Office

Request for consideration and approval to promote the following individuals to Sergeant:

**Bill Downard** from Detective II 14K \$14.28/hr (+\$50/wk = \$2600/yr increases his hourly rate to \$15.53) to Sergeant 15-0 \$15.97/hr, an increase of \$915.20/yr (approximately a .44 cent an hour increase).

**Kyle Ekker** from Detective II 14K \$14.28/hr (+\$50/wk = \$2600/yr increases his hourly rate to \$15.53) to Sergeant 15-0 \$15.97/hr, an increase of \$915.20/yr (approximately a .44 cent an hour increase).

**Tom Harrison** from Detective I 13L \$13.92/hr (+\$50/wk = \$2600/yr increases his hourly rate to \$15.17) to Sergeant 15-0 \$15.97/hr, an increase of \$1,664/yr (approximately a .80 cent an hour increase).

**Gayle Jensen** from Deputy II 12-I \$12.64/hr to Sergeant 15-0 \$15.97/hr, an increase of \$6,926/yr (approximately a \$3.33/hr increase).

Increasing each of the wages to \$15.97 puts all of the Sergeants at the same wage (except for Norm S. Vuksinick who is at 15P \$16.26/hr). The Sergeants have the same duties and responsibilities making it reasonable that they should be paid equally.

A motion was made by Commissioner Bevan Wilson to approve the requests to promote Bill Downard, Kyle Ekker, Tom Harrison and Gayle Jensen to Sergeant as stated above. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Additional Earthquake and Flood Insurance

Through UACIM, the county is covered for loss from earthquake and flood. Both kinds of loss, however, are no respecter of boundaries so multiple counties can be affected by the same disaster and would have to share in the coverage under UACIM--\$50,000,000 annual aggregate for type of loss--thereby reducing the coverage each affected county would get. Some counties want to increase the amount of coverage that would be available to them in the event of a disaster. That's the reason for the increased coverage proposal. Twelve of the 19 counties with UACIM want the extended coverage.

After some discussion it was decided that, at present, the extra coverage would not benefit Emery County. A motion was made by Commissioner Kent Petersen not to take advantage of the additional insurance at this time. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Extension Office

Lynda Nelson was recommended for a two-step merit increase at the December 4, 1996 Commission Meeting. At that time the Commission requested more information regarding Mrs. Nelson's job description and responsibilities. Dennis Worwood provided that information and recommended that the Commission approve her increase.

A motion was made by Commissioner Kent Petersen to approve the request for a two-step increase for Lynda Nelson. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

AUDITOR'S BUSINESS

Auditor, Ross Huntington presented to the Commission for their consideration Warrant/Check Edit List #96469 through and including #96685 for payment.

The following requisitions were presented for Commission consideration:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
92-96	2 T.V. VCR combos for Justice Courts in Castle Dale and Green River.	\$ 699.90	Approved
93-96	Chairs for Attorney's Office	\$ 499.90	Approved
94-96	Ford Bronco for Public Lands	\$22,793.00	Approved
95-96	Shredder for Sheriff's Office	\$ 1,518.00	Approved
96-96	Fax Machine for Sheriff's Office	\$ 1,398.00	Approved

A motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to approve the warrants for payment and requisitions for purchase. Motion was approved by all

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members present.

(3)

PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON OPENING AND AMENDING THE 1996 BUDGETS FOR THE EMERY COUNTY GENERAL FUND, CENTENNIAL COMMISSION FUND, CLASS B ROAD FUND, ECONOMIC DEVELOPMENT FUND, LIBRARY FUND, CAPITAL PROJECTS FUND AND THE CAPITAL REPLACEMENT FUND

Commission Chairman Randy Johnson opened the hearing at 4:30 p.m.

Auditor Ross Huntington explained that Kay Kimball, independent auditor, has recommended that the final bills for 1996 be paid on January 8, 1997 then posted to the books. After that is done Mr. Huntington and Mr. Funk will go through the books and adjust department by department and line by line. This will give a true and accurate picture of what actually happened with the budgets this year.

He explained that although he listed several different funds in the Notice of Public Hearing in the newspaper, there are actually only two funds that need adjusting. One is the Centennial Commission Fund which is overspent and a transfer will have to be made from the General Fund to cover that. The other is the General Fund where there are two or three departments that have overspent so money will need to be transferred to them from departments that have money left over. He is confident that this can be done without increasing the budget and he asked for Commission approval of this proposal.

Commission Chairman Randy Johnson asked if there were any comments from the public. There were none. Therefore a motion was made by Commissioner Bevan Wilson and seconded by Commissioner Kent Petersen to close the meeting. The motion was approved by all members present.

(4)

RATIFICATION OF RESOLUTION AMENDING THE 1996 CASTLE VALLEY SPECIAL SERVICE DISTRICT BUDGET

A motion was made by Commissioner Kent Petersen to approve the budget as it was presented at the regular Commission Meeting held on December 4, 1996. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

CITIZEN CONCERNS

There were no concerns presented to the Commission at this time.

(6)

CONSIDERATION AND APPROVAL TO ADOPT RESOLUTION TO OPEN AND AMEND  
THE 1996 EMERY COUNTY BUDGETS

A motion was made by Commissioner Kent Petersen to approve resolution 12-18-96A allowing the Budget Officer of Emery County to open and adjust the 1996 budget from department to department and from line item to line item. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

RE-APPOINTMENTS TO SPECIAL SERVICE DISTRICT #1 BOARD

The following names were submitted for re-appointment to the Special Service District #1 Board for a four-year term: Merrill Swasey and Sherrel Ward.

A motion was made by Commissioner Bevan Wilson to approve the appointments as stated above. The motion was approved by Commissioner Kent Petersen and approved by all members present.

(8)

RE-APPOINTMENTS TO EMERY COUNTY RECREATION DISTRICT

The following names were submitted for re-appointment to the Emery County Recreation District Board for a four-year term effective 1-1-96 (these people's terms expired in December 1995):

Howard Tuttle from Orangeville City, Karen Nielsen from Cleveland Town, Stan Nielsen from Clawson Town, Ross Gordon from Huntington City, Glenys Sitterud from Emery City, Jim Jewkes from Castle Dale City.

A motion was made by Commissioner Kent Petersen to approve the appointments as stated above. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

RE-APPOINTMENTS TO CASTLE VALLEY SPECIAL SERVICE DISTRICT

The following names were submitted for re-appointment to the Castle Valley Special Service District Board: Eugene Johansen and Paul Crawford.

A motion was made by Commissioner Bevan Wilson to approve the re-appointments as stated above. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(10)

DISCUSSION AND CONSIDERATION TO ADOPT A RESOLUTION DECLARING  
EMERY COUNTY'S INTENT TO PARTICIPATE IN 1997 TRANS

Auditor Ross Huntington explained that this is the UAC Tax Anticipation Note Program. He indicated that he has spent the last couple of weeks evaluating the County's needs and has concluded that Emery County does not qualify to participate in the program in 1997.

A motion was made by Commissioner Kent Petersen not to participate in the UAC Tax Anticipation Note Program in 1997. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF COMMUNICATION USE LEASE WITH THE  
FOREST SERVICE

Attorney David Blackwell indicated that he has reviewed the lease and found it to be a basic lease agreement. He suggested that the word "Commissioners" be eliminated from the first page. He also indicated that he has been trying to contact Brett Mills to get his opinion of the agreement, but has been unable to reach him. It is his recommendation that the lease be signed provided Mr. Mills has no objection to it.

After some discussion a motion was made by Commissioner Kent Petersen to table this item until Brett Mills has had a chance to review the lease and provide his input on it. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12) PUBLIC HEARING TO RECEIVE PUBLIC COMMENT IN REGARDS TO EMERY  
COUNTY CONSIDERING COMBINING THE OFFICE OF COUNTY CLERK AND  
COUNTY AUDITOR INTO ONE OFFICE TO BE KNOWN AS THE EMERY COUNTY  
CLERK/AUDITOR

Commission Chairman Randy Johnson explained that this is something the county has been considering for some time. The Commission feels that, the resignation of Auditor Ross Huntington and the State's desire to assume the administration of the District Court, make this an opportune time to make this transition. There has been extensive research done in terms of cost and personnel and it is agreed that this transition can be made without any loss of personnel and it may result in some savings to the County.

Commissioner Johnson opened the meeting for public comment.

Mr. Tom Johnson, Republican Party Chairman for Emery County indicated that the Republican Central Committee unanimously passed a resolution supporting the merger of the Auditor and Clerk's offices.

Commissioner Kent Petersen indicated that there are only 9 Counties that do not have the Clerk's office combined with another office. He explained that it makes sense to combine these offices and it will probably save more money for the County as time passes.

Commissioner Bevan Wilson stated that the State's desire to assume administration of the District Court had a great bearing on the decision to combine the two offices.

A motion was made by Commissioner Kent Petersen to close the public hearing. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

CONSIDERATION AND APPROVAL TO ADOPT AN ORDINANCE TO COMBINE THE COUNTY CLERK AND COUNTY AUDITOR OFFICES INTO ONE OFFICE OF EMERY COUNTY CLERK/AUDITOR

Commissioner Kent Petersen made a motion to approve the ordinance to combine the Emery County Clerk and Emery County Auditor's offices into one office to be known as the Emery County Clerk/Auditor's office. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Petersen stated that this combination of offices would not result in the loss of any jobs. He also thanked Auditor Ross Huntington for the professional job he has done as County Auditor. His statements were echoed by Commissioners Johnson and Wilson.

(14)

CONSIDERATION AND APPROVAL OF MEMORANDUM ON UNDERSTANDING CONCERNING STATE COURT ASSUMPTION OF CASTLE DALE DISTRICT COURT

Commissioner Bevan Wilson asked what steps need to be taken to affect the transition of the two Court Clerks that are presently employees of Emery County, from County employees to State employees. Tim Simmons, Court Executive, stated that it will be necessary for the county to draft a letter or notice indicating that the County no longer wishes to contract with the State for court services and requesting that the State assume the administration of that office.

The Commission indicated that, for the protection of the employees as well as the County, they would like to have a written document indicating the date of termination with the County and also that all sick leave, vacation and other benefits will be assumed by the State. Mr. Simmons indicated that that was a reasonable request and he agreed to sign the document.

Mr. Simmons explained, for the public, the reasons for the change in administration of the District Court and the advantages to making this change.

Mr. Simmons explained that, although the present lease agreement does not expire until July 1, 1997, it can be amended at any time. The MOU states the date of July 1, 1997 in order to give sufficient time to make the change over in terms of moving furniture, files, equipment, etc.

Commission Chairman Randy Johnson clarified that the MOU would be a transitory tool to get through this process and then when the move is complete a new lease agreement would be negotiated.

Commissioner Kent Petersen suggested that the Commission approve the concept of this change in administration of the District Court and the MOU be modified to reflect that we are working toward the change over and that a new agreement will be signed when the transition is complete.

A motion was made by Commissioner Bevan Wilson to approve the MOU with the change mentioned above with Commission Chairman Randy Johnson being authorized to sign it. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON PROPOSED PAY  
INCREASES FOR EMERY COUNTY ELECTED OFFICIALS

Commission Chairman Randy Johnson opened the hearing at 5:30 p.m. He explained that a number of the County's Elected Officials have requested that their salaries be increased to bring them up to the same level as other Elected Officials within the State. He then opened the hearing to public comment.

Mr. Rick Blackburn of Castle Dale commented that he believes everyone who works for the County does good, professional work. He feels that this raise is a "slap in the face" for the non-elected employees and would like the Commission to consider giving the cost of living increase to all employees at the first of the year.

Mrs. Peggy Foote of Orangeville commented that she has a great respect for each of the Commissioners, however she is concerned with the \$9,000 increase in the Commissioners' salaries which amounts to 47.23%. It is her belief that taxes will have to be raised in order to provide such an increase. She contacted the school district and found that 64% of their budget comes from our local taxes. They gave their employees an 8% increase in salary last year, this is the largest increase they have ever given. She acknowledged that the Commission works hard for the County, But she does not feel that this large increase is warranted at this time.

Mr. Emery Cooper of Castle Dale commented that it is his feeling that the employees should get the same percentage of increase as the Elected Officials.

Mr. Ira Hatch of Huntington commented that he is in full agreement with an equitable cost of living increase for all employees of the County including the County Officials. However, he is opposed to massive increases for Elected Officials as well as the County Commissioners. It is his feeling that when a person runs for office they are aware of the base of compensation and if they are not satisfied with it they should not run. Mr. Clyde Conover of Ferron was not able to attend the hearing, but asked Mr. Hatch to express those same feelings on his behalf.

A letter from Dennis Ward, Tory Killian and Clayton Ward of Huntington was presented to the Commission. It stated that they do not feel that the Commissioners need or deserve a raise at this time.

Sheriff Lamar Guymon, commented that he agrees that Elected Officials and the Commissioners should be compensated for the time that they spend working for the County, however, he is concerned and believes that the policy for giving employee raises needs to be addressed sometime in the coming year.

Justice Court Judge Stan Truman commented that he would like to support a raise for the Commission. In the years that he has spent working in the Courthouse he has noticed that the amount of time that the Commissioners spend at their jobs has doubled several times. Their present salaries were set 10 to 15 years ago and they have received only minimal cost of living increases since then. He indicated that he was not considered for a raise along with the Elected Officials and feels that he is deserving of one. In School district and State offices employees are getting 7 to 7 1/2% cost of living increases. Over the last 10 years or so the County has split the cost of living raises making it possible, in some years, for the employees to receive as much



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or more of an increase than the Elected Officials.

Commissioner Johnson clarified that the Commission has assured the Justice Court Judges that their request for an increase will be considered as part of this process.

Commissioner Johnson also indicated that this issue of raises for Elected Officials is one that needs to be reviewed from time to time. The office of Commission has changed dramatically in the last few years. The concept of creating a full-time job of the Commission office by virtue of increasing its pay is not relevant. He stated, "The job is what the job demands". the hours spent are seldom less than 40 to 50 hours per week. At some point the demands of the office vs the salary paid needs to be evaluated and adjusted. This is the time to do that and it would be inappropriate not to address this issue out of fear of the political ramifications.

There has been some confusion in regards to the public hearing that was held last year to discuss the Commission increase. At that time the Commission was proposing an increase that would bring their salary up to an equal level with the other Elected Officials. The Commission chose not to give themselves an increase at that time. The present increase for the Commission is considerably less than the one that was proposed last year.

It was suggested that this issue be put on the ballot to let the people decide. In response to that Commissioner Johnson explained that the purpose of the public hearing is to receive public input; it would be cumbersome to put every issue on the ballot. It was pointed out that it is not legal to put budget items on the ballot.

Mrs. Foote stated that there has not been enough information given to the public in regards to the justification for such an increase. There were many facts stated in this meeting that she was not aware of previously.

Commissioner Johnson indicated that during the last year the Commission has tried to provide as much public information on this issue as possible. He also stated that Emery County is unique in that it provides all the services to its Towns and Cities through the Special Service Districts that are created under the County. This is not done in other Counties.

It was pointed out that the present salary for the Commission is \$20,879 per year. The other Elected Officials salaries are \$34,260 per year. They have requested an increase to \$39,000 per year. It was also pointed out that the legal requirement for

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time spent in their office by an Elected Official (not Commissioner) is one day out of every sixty. However, all of the Elected Officials in Emery County spend much more time than that working in their offices and are generally there everyday.

Road Superintendent Rex Funk of Ferron, commented that the Commissioners are to be commended for the quality of the work they produce, the character they display and their dedication to the job. The issues that are confronted by the Commission will have long term effect on this County. There is a great deal of liability on their shoulders. However, he also feels that every effort needs to be made to study the hourly employees wages and levels of entry.

Commissioner Kent Petersen explained how the present policy for step increases evolved. Under the old policy employees were getting cost of living increases, but were staying on the same step and not moving up the salary scale. In order to solve this problem, it was determined that employees should receive a step increase on the anniversary of their date of hire.

Mr. Kurt Brasher of Cleveland commented that he disagrees with a \$9,000 per year raise for the Commission. He feels that in consideration for the other employees of the County this is an unreasonable request.

Mr. Lee McElprang of Huntington asked the Commission where the money for this increase will come from. He commented that there are few people who get a 2% raise every year. Commissioner Johnson responded by saying that, generally speaking, most companies and districts make an effort to keep up with the cost of living.

Mrs. Argene Olsen of Castle Dale commented that the County has sufficient funds right now, but those tax dollars that are being paid by UP&L will not always be there. She asked if there is any money being put away for a rainy-day. Commissioner Johnson responded saying that there is a sizable rainy-day fund and that the budget this year has been trimmed in an effort to be economical.

Commissioner Kent Petersen emphasized that this year's budget has been trimmed by \$140,000. Payroll for the County equals approximately half of the total budget. The combination of the Clerk and Auditor's offices will create a savings that will help to cover the amount of the pay increases for the Elected Officials.

He Continued saying that full-time hours are required if the

Commissioners are to do their jobs correctly. This issue is not unique to Emery County, there are other Counties that are going through this same process this year. Salaries for Commissioners have stayed at the same level for many years. One reason for this is that it is very controversial for an Elected Official to raise their own salary and other Commissions have not been willing to take a stand on the issue. It has been some years since the job of Commissioner required only half-time hours to perform. If any of the Elected Officials were to do an equivalent job in private industry they would receive a much higher salary than they are getting from the County.

Mr. Dean Foote of Huntington commented that he believes most people are not objecting to an increase in general. What they are objecting to is the size of the increase. Commissioner Petersen responded by stating that when you increase a job from half-time to three-quarter time the increase in salary will be sizable.

Planning and Zoning director Bryant Andersen of Castle Dale commented that the quality of leadership in Emery County is exceptional and we have one of the best administrated counties in the State. He has worked for the County for seven years and feels that the Commission has always had the best interest of the employees and citizens at heart. They have tough decisions to make and they are good people who honestly want to do what is right.

County Auditor Ross Huntington addressed some of the concerns that were brought up by Mrs. Olsen. He explained that the County has set aside several million dollars in a rainy-day fund. Those funds can not be touched by the Commission without going to a vote of the public. There has been careful planning and several trust funds have been set up to provide for the possible future needs of the County.

Mr. Huntington continued saying that the issues that we face today are much more complicated and require much more knowledge and expertise to handle than those of a few years ago. Our Commissioners are professionals, they represent the County in Salt Lake City and Washington D.C. It is his feeling that \$20,000 per year is not adequate to compensate the Commissioners for what they do.

Personnel Director Pat Snowball thanked the Commissioners for having a willing and positive attitude in helping move employees wages along the salary scale. Our salary scale has a very wide range. It could take 20 years to get to the top if only an occasional increase were given.

She continued saying that employees of the County should remember that health benefits are paid by the County for the employees as well as their dependents. In many companies the employee must pay for dependant coverage. We as taxpayers expect the Elected Officials and Commissioners to do the best job they can for us. We would not be happy if they were to give less than their best. We should not expect them to be happy with less in the way of compensation for their work.

Public Lands Director Val Payne commented Emery County is in the forefront in addressing issues that effect the entire State. He is confident in the leadership that we have. Commissioners are available and working for the County day and night. He would encourage all citizens of Emery County to become more aware of the issues that are facing us. In doing this they would become more aware of the time, effort and professional ability that is required of the Commissioners.

Clerk Bruce Funk commented that when the public sees a pay increase for public officials of \$5,000 or \$9,000 per year naturally it sends up a signal. Working as the Clerk, he has had the opportunity to see the amount of time and effort that is put into the work the Commissioners and other Elected Officials do and it is his feeling that they deserve this increase.

Commissioner Bevan Wilson explained he has worked for the implementation of merit increases for County employees. His belief is that all employees should be treated as fairly and equally as possible. Whether there is an increase or not He intends to work hard for the people of Emery County. He encouraged the public to get involved in County government.

Mr. Trever Tuttle commented that he has difficulty accepting such a large increase for public officials. He understands that there are important issues being dealt with, but he doesn't feel that Commissioners in Emery County should be paid more than Commissioners in, for example, Utah County who represent many more people. Commissioner Petersen responded saying that Utah County Commissioners receive 49,700 per year and the other Elected Officials receive 47,000 per year.

Economic Development Director Roseann Fillmore commented that she has worked in county government for three or four years and in that time she has seen it grow immensely. Federal and State government are funding fewer and fewer projects and services. Therefore the burden is shifted to local governments. This can be accomplished through partnerships with other governments, however, each new project or service requires a new board and a County representative to serve on it. Many hours are spent

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traveling and attending meetings. It was pointed out that the Commissioners serve on various boards as part of their regular duties as Commissioners and are not compensated for that service. Commissioner Bevan Wilson commented that he is paid a \$300 per month stipend for serving on the Special Service District #1 Board, but that is the only Board that offers any compensation other than travel expenses.

The Commission was asked if their hours would increase as a result of this increase in salary. They clarified that they are already working 40-50 hours per week.

There being no further comments offered from the public, a motion was made by Commissioner Bevan Wilson to close the hearing. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(16)

CONSIDERATION AND APPROVAL OF PAY INCREASES FOR ALL EMERY COUNTY ELECTED OFFICIALS

Commissioner Kent Petersen stated that he believes these increases are fair and will help to insure that the people of Emery County are provided with quality, professional representation. A motion was made by Commissioner Petersen to approve the increases in salary for the commissioners to \$30,000 per year, increase the salaries for Recorder, Treasurer, Clerk/Auditor, Assessor and the Justice Court Judges to \$39,000 per year. Elected Officials not specifically mentioned above and all contract employees will receive a 3% cost of living increase and an overall survey will be done to evaluate the salaries of the Justice Court Judges, County Attorney, Sheriff and hourly county employees to be considered in next years budget. Hourly employees will receive a 1% cost of living increase plus a step increase (approximately 2%) on anniversary date. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

BEVAN KILLPACK, PRESENTATION OF AWARDS FOR PARTICIPATION WITH UTAH CENTENNIAL TREE TO D.C.

Bevan Killpack presented awards to the following people and organizations for their help in sending the Holiday Tree back to Washington D.C.: The Centennial Commission, Emery County, Leslie Bolinder, Emery County Sheriff's Office, Kyle Ekker, Tom Harrison and Lamar Guymon.

He commented that this Holiday Tree project was valuable in

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helping us send a message to the Country that we have quality people, land and resources in Utah. He expressed his appreciation to Senator Bob Bennett for the recognition he gave to Emery County, The Forest Service and the State of Utah for the effort that was put into this project.

(18)

DISCUSSION OF RETIREMENT OF HORSESHOE SOUTH CATTLE PERMIT

Commissioner Kent Petersen explained that he received a letter from MaryKay O'Donnell of the Conservation Fund requesting that Emery County issue a letter of non-opposition to the retirement of the Horseshoe South Cattle Permit. Their intention is to change the management plan for this area to reallocate the AUM's to wildlife use.

Comments were made stating that this would set a dangerous precedent and would open an avenue to those who don't want livestock on public lands. Also, if Emery County supports this we are agreeing that grazing has an adverse effect on habitat.

After further discussion, a motion was made by Commissioner Kent Petersen to ask Val Payne, Public Lands Director to write two letters expressing their opposition to this effort, one to be signed by the Chairman of the Public Lands Council and the other to be signed by the Commission with copies of the letter to be sent to all agencies involved. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

CONSIDERATION AND APPROVAL OF COST-SHARE AGREEMENT OF INTERPRETIVE EXHIBITS FOR THE STUART GUARD STATION

Economic Development Director Rosann Fillmore explained that this agreement makes it possible for Emery County to contribute to the Stuart Ranger Station. Funds will be contributed from four other entities that are involved. Economic Development will manage the account as part of the Economic Development budget. Commission Chairman Randy Johnson stated that the County agreed to contribute a considerable amount of money to get this project started with the stipulation that the Forest Service and Economic Development would seek other matching funds to lessen the burden on Emery County. That has been accomplished; the amount requested is considerably less than what was originally agreed on.

A motion was made by Commissioner Bevan Wilson to approve the Cost-Share agreement. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(21)

FOREST SERVICE LAW ENFORCEMENT

Before the Commission at this time is the agreement with the Forest Service Law Enforcement. It was indicated that \$10,000.00 is the amount to be considered. Motion to accept the agreement with the Forest Service was made by Commissioner Kent Petersen seconded by Commissioner Bevan Wilson and approved by all members present.

(22)

COMMISSION REPORTS

Commissioner Kent Petersen

Commissioner Petersen stated that the trip to Washington D.C. with the Holiday Tree was a very positive experience. It created a lot of positive publicity for Utah.

He attended a meeting with the Public Lands Council yesterday. Cris Cannon has committed to helping Emery County's Public Lands Council. There will be a similar meeting with Senator Bennett as well as the Congressman in the Second District in the future.

Commissioner Bevan Wilson

Commissioner Wilson reported that a presentation on Coalbed Methane was made to the CIB in which the potential development of this field was outlined. It will be one of the largest drilling projects in the State of Utah. The ground was laid for an application to obtain a CIB grant to do testing on the water that is brought to the surface during this process. It is hoped that the water can be cleaned up and used above ground. There is an effort to get Emery and Carbon Counties together as a region to identify the issues that we want to see addressed.

Commissioner Randy Johnson

Commissioner Johnson reported that he was pleased with the support that was received from the citizens of Emery County for the Centennial Tree project. He stated that we have been losing the P.R. battle in

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regards to the wilderness issue. However, from this project we gained a lot of positive P.R. across the State and the Nation. This will effect peoples opinions of the kind of people we are here in Emery County. We have shown that we are sensible people who really do want to take care of our resources.

(23)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

The minutes of the December 4, 1996 meeting were reviewed and corrected. A motion was made by Commissioner Bevan Wilson to approve the December 4, 1996 minutes as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(24)

EXECUTIVE SESSION

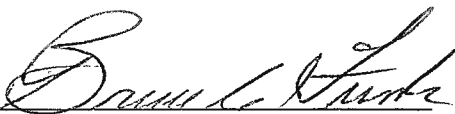
The regular meeting was adjourned and executive session began at 8:30 p.m. Regular Commission Meeting resumed at 8:50 p.m.

(25)

ADJOURNMENT

A motion was made by Commissioner Kent Petersen to adjourn the meeting at 8:50 p.m. The motion was seconded by Commissioner Bevan Wilson 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**

**January 8, 1997**

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney David Blackwell, Clerk/Auditor Bruce Funk and Deputy Clerk Marcee Wright.

The meeting was called to order at 9:00 a.m. by Commission Chairman Randy Johnson.

(1)

RICHARD SNOWBALL - PRESENTATION OF NEW FUNDING PLAN PROPOSED BY  
USDA FOR AGRICULTURE/CONSERVATION PROJECTS IN EMERY COUNTY

Richard Snowball explained that his purpose in addressing the Commission is to request that they appoint one member to serve on the Carbon/Emery Local Working Group. He presented them with a handout and explained the new 1996 Farm Bill and its implications for our area.

He explained that a new Farm Bill is passed about every five years. Under the 1985 and 1990 Farm Bills there was a program called the ACP (Agriculture Conservation Program). This was a major conservation funding program throughout the Nation. All counties across the Nation that were involved in Agriculture were allotted funds for which individual landowners/producers could apply for matching funds for conservation projects on their farms. This program has been discontinued along with three others, the Water Quality Incentives Program, the Great Plains Conservation Program and the Upper Colorado Basin Salinity Project. The functions of these four programs have been combined into one program called EQIP (Environmental Quality Incentives Program). With EQIP the emphasis has been put more on improving the environment rather than conservation. Farmers and Ranchers will have to have an environmentally friendly project in order to qualify for funding under EQIP. The Carbon/Emery Local Work Group will screen the projects, prioritize them (based on National Priorities) then submit them to NRCS who will then submit them to the State Conservationist and the State Technical Committee. They will determine whether the projects are technically feasible, if so, they will approve them and send them back to NRCS. From there they will move to regional and then eventually to National Headquarters, who will be submit them to the USDA and then RCS to be approved for funding. Under the ACP, each county was allotted a certain amount of money for conservation projects. When that money was used up there could be no more projects funded for that year. Under EQIP each landowner/producer will have to bid, based on National priorities, to receive matching funds from the USDA for on-farm conservation projects. (We are fortunate in that the Carbon/Emery area is a high priority area.)

Two other major programs which will be useful within the Carbon/Emery area are the WRP (Wetlands Reserve Program) and WHIP (Wildlife Habitat Incentives Program). WRP has three basic components: A Permanent Easement Program, in which the government buys a permanent easement on your land at market value and provides matching funds to help the landowner, who retains ownership, to permanently keep the land in a wetland state. A Thirty-year Easement Program, which is similar to the Permanent Easement Program and a Ten-Year Non-Easement Program through which farmers can apply for funds to restore **natural** wetlands. WHIP is a program in which farmers and landowners can apply for matching funds from the federal government to improve wildlife habitat on their farms. All of these programs require a conservation plan that must first be approved by the San Rafael Conservation District.

Mr. Snowball drew attention to a section of the handout that stated that all resource concern areas would not have the same priority. Soil, water, air, plant, animal and related natural resource concerns are all given equal consideration for treatment, but higher priority is given to areas where State or Local Governments offer financial or technical assistance in areas where agricultural improvements will help producers comply with Federal, State and environmental goals and laws. By statute 50% of the program funds will be targeted to natural resource concerns relating to livestock production and the other 50% will be allocated to agricultural and other conservation projects. Priorities need to be set for 1998 by May of this year. The program will run until 2002.

Commissioner Bevan Wilson indicated that this would be a good time to finish the County Wide Water Conservation Plan which has been on hold. Many funding entities require that a water conservation plan be in place before they will grant funding.

The Commission indicated that they will appoint one Commissioner to serve on the Carbon/Emery Local Work Group. (See item 5 Commission Responsibilities)

(2)

#### DISCUSSION OF SCRAP METAL CONTRACT AT EMERY COUNTY LANDFILL

Commission Chairman Randy Johnson indicated that the present contract with D & R Salvage for salvage of the scrap metal pile at the landfill expired on December 31, 1996. Road Superintendent Rex Funk indicated that D & R has done an excellent job and there have been no problems. Commissioner Bevan Wilson asked Mrs. Barney if a one year extension of the contract would be acceptable. She indicated that it would. Commissioner Wilson made a motion to prepare a document extending the contract with D & R Salvage for one year. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

BID OPENING - TO OPEN BIDS DISPOSING TWO COUNTY-OWNED LOTS IN JAY POWELL SUBDIVISION IN HUNTINGTON

Clerk/Auditor Bruce Funk indicated that all legal requirements have been met for the bidding process. One bid of \$2,600 for both lots 17 and 18 of the Jay Powell Subdivision was received from David and Cindi Avery of Huntington.

(4)

CONSIDERATION OF AWARDING BID TO PURCHASE COUNTY-OWNED LOTS

Commissioner Kent Petersen made a motion to accept the bid of David and Cindi Avery for \$2,600 for both lots 17 and 18 of the Jay Powell Subdivision. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

DISCUSSION OF 1997 COMMISSION RESPONSIBILITIES

The Commission discussed and approved the following responsibilities for 1997.

<u>Bevan K. Wilson</u>	<u>Kent R. Petersen</u>	<u>Chairman Randy G. Johnson</u>
Airport	Association of Governments	Animal Control
Assessor	Canyon Country Partnership	Ambulance
Attorney	Courthouse	Chamber of Commerce
BLM	Data Processing	Civil Defense
COG	DWR	Clerk/Auditor
Extension	Economic Development	Fair
GR County Complex	Housing Authority	Fire Control
GR Medical Center	Human Services	Fire District
JTPA	G.I.S	Justice Court
Landfill	Museum/History	Library
Planning/Zoning	Nursing Home	Mental & Public Health
R.S.V.P.	Recreation/Rec. District	Personnel
Roads/Road Dept.	RC&D	Sheriff
Senior Citizens	Treasurer	TV/Communication
Travel Council	Recorder	U.S.F.S.
Weed/Mosquito	Public Lands Council	
Carbon/Emery Local Work Group		

A motion was made by Commissioner Kent Petersen to approve the 1997 responsibilities as stated above and that Commissioner Randy Johnson be re-appointed as Chairman. The motion

was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

DISCUSSION OF APPOINTMENT TO JOINT HIGHWAY COMMITTEE REPRESENTING EMERY COUNTY

Commissioner Kent Petersen indicated that it will be good to have Emery County represented on the Joint Highway Committee again. He made a motion to appoint Commissioner Bevan Wilson to serve on the committee. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

CITIZEN CONCERNS

Commissioner Kent Petersen reported that a citizen expressed concern to him that her daughter had been transported by an Emery County Ambulance and she was unable to pay the bill. He asked if the County had any policy on how to handle cases of this kind. Sheriff Lamar Guymon indicated that in the past people have been directed to contact the Sheriff's office and they will determine the ability to pay and how much of the bill, if any, can be written off.

A citizen inquired if the Commission expected any new jobs to come into the County this year. He reported that a friend in Vernal told him that there were advertisements in that area for people to work on the gas rigs in Emery County. The Commission explained that the gas rigs do not produce many jobs. Commissioner Wilson reported that he attended a seminar with the gas industry and the local service industry people. The purpose of the seminar was to find out what the intention of the gas industry was regarding new jobs in the County. As a result of that, there have been some local people and service industries hired, however, they were told that this is a specialized line of work and if they have a contractor who is doing satisfactory work they will continue to use that contractor. The drilling that is taking place now is exploration drilling. They should begin their scoping meetings and Environmental Impact Study soon, this will be about a two year process, after that is complete they will open the field up for production.

Richard Snowball asked if there was going to be any drilling on private property. The Commission indicated that there would be. Commissioner Wilson indicated that Texaco would be in attendance at a Planning and Zoning Meeting today at noon in which the expansion of the field and their future planning for 1997 would be discussed. Mr. Snowball asked if, in their meeting, Commissioner Wilson would have them clarify the rights of the surface owner vs the rights of the mineral right holder. Commissioner Wilson stated that there are plans to put together an organization in Emery County in conjunction with the Statewide Royalties Organization that will address that and other questions. Information on the Royalties Organization is available in the Commission Office. He indicated that they are working very

closely with the BLM, Forest Service, Division of Oil Gas and Mining to keep posted on where the drilling is going to take place. There is a permitting process through which approval of Planning and Zoning is required for each well and collection system.

Sheriff Lamar Guymon reported that UDOT is proposing an increase in the speed limit on highway 10 effective on January 13, 1997. The speed limit from I-70 to Price will be set at 65mph with the exception of the cities where it will remain the same as it is now. Other proposed changes are from Price to Tucker Rest Area - 65mph, from Tucker Rest Area to Sheep Creek - 60mph, from Sheep Creek to Spanish Fork - 65mph and on SR6 from Green River to Price - 65mph. Commissioner Johnson commented that the Commission is concerned that people usually travel about 10 miles over the speed limit anyway and they feel we are not prepared on our narrow roads to have people traveling 75mph, especially with all the truck traffic we have. He suggested that the Commission and Sheriff's department issue a press release indicating that they will be expecting people to stay within the posted speed limit. Sheriff Guymon indicated that his department will allow no more than a 5mph lee-way to motorists.

Commissioner Johnson indicated that there have been complaints about the truck traffic not slowing down through towns. The Commission agreed that a letter should be written to the trucking companies to explain the County's feelings regarding the speed limit change.

A citizen asked if there was a possibility of getting the road widened between Price and Spanish Fork. Commissioner Johnson indicated that they continually lobby for that, but with all of the construction planned on I-15 it isn't a priority. He stated that rather than widening the whole road they are pushing to find more areas that could easily be widened to four lanes to help break up the slower traffic, however it is a long, slow process to get any kind of a highway project going. Commissioner Petersen indicated that they will be meeting with legislators prior to the next session, but in previous talks with them they have indicated that they plan to tie in some requirements for spending in the rural areas rather than putting all of the money into I-15. Commissioner Wilson stated that getting rural people on committees like the Joint Highway Committee, that he was just appointed to, is a big step in lobbying for these kinds of projects.

It was suggested that the four lane highway north of Huntington be continued on to the Cleveland junction. Commissioner Wilson indicated that it is under consideration. Other problems regarding that area were also discussed specifically getting the lines painted so that motorists are not confused about which lane they need to be in as they come into Huntington.

It was suggested that a streetlight be placed on the Coal Haul Road at the turn off to Orangeville. The commission indicated they would look into it.

(8)

DISCUSSION OF PARTICIPATION IN EMERY COUNTY PROGRESS 21ST ANNUAL

CARBON/EMERY COUNTY ENERGY EDITION

Commission Chairman Randy Johnson explained that Emery County has participated in the Carbon/Emery ENERGY EDITION for some years. He feels it is a good idea to participate, but our ad needs to be upgraded. A motion was made by Bevan Wilson to approve Emery County's participation in the Carbon Emery ENERGY EDITION and to have Leslie Bolinder submit a new ad. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

ROAD DEPARTMENT ITEMS

Road Superintendent Rex Funk updated the Commission on the Landfill improvement project. He reported that the office trailer and waterline are ready for final inspection. Howard is getting ready to release authorization to proceed on the poll line installation phase. He reported that they will be purchasing a 1993 T800 Kenworth semi tractor. The tractor has 400,000 miles and has been well maintained by Wheeler. The maintenance records and vehicle history are available. He asked the Commission for approval to trade-in the White tractor that they are presently using. He stated that the auction value of that tractor would be approximately \$2,000 which is what they will be getting for the trade-in.

A motion was made by Commissioner Kent Petersen to approve the disposition of the White tractor to be traded-in. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Mr. Funk noted that the Church property on Desby Dove Road, has been cleaned up, however there is a hold-up on the deed due to some personal property that needs to be removed from the premises. He feels that even if the County was to end up not getting the property it has still benefited from the cover materials from the clean up that they have been able to take to the landfill for daily cover. County Attorney Dave Blackwell indicated that he and Carol Ware have set up a meeting with them to discuss the deed.

County Attorney Dave Blackwell discussed the amendment to the Horse Canyon Deed. He reported that IPA wants to be given the authority to remove the old bridge abutments. They are asking for an amendment to the special deed to allow that. Mr. Funk explained that there was an overlapping in the permitting process on the recovery plan. The bridge was not specifically identified. When they appealed to Emery County about taking over the road, they had not considered the bridge structure. They transferred the road and the structures on the road over to the County not recognizing that DOGM had an interest in that structure and should have been consulted prior to the transfer. Now it is locked up because the County has ownership of it and the reclamation can not be cleared until this situation is addressed. Mark Page, from the State

Engineer's Office, has indicated that removing the abutments will create some problems with the channel. County Attorney Dave Blackwell indicated that he will make it part of the agreement that IPA will have to comply with County Ordinance as well as any requirements of the Corp of Engineers, DOGM, the County Engineer, and Emery County Special Service District #1. A motion was made by Commissioner Kent Petersen to approve the changes to the supplement and give Commission Chairman Randy Johnson authority to sign it. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

DISCUSSION OF CREATION OF EMERY COUNTY CAPITAL IMPROVEMENT FUND

Commissioner Bevan Wilson explained that the Commission and various other entities who receive mineral lease monies have discussed the need to set up another entity to receive a percentage of the mineral lease monies that is currently going into the Emery County Special Service District #1. Their proposal is to create an Emery County Capital Improvement Fund which will receive applications and readminister this money within Emery County. Clerk/Auditor Bruce Funk suggested that another name be used as there is already Capital Improvement Fund which could cause confusion. Commissioner Wilson stated that several options were being discussed. It is important that this be created and establish a start-up earnings date of January 1, 1997. It will have to be in place and an MOU signed with the Emery County Special Service District #1 in order to transfer funds.

A motion was made by Commissioner Bevan Wilson to schedule a Public Hearing on January 22, 1997 at 6:00 p.m. in conjunction with the regular Commission Meeting to discuss the creation of a new entity to receive mineral lease monies and redistribute them for qualifying projects within Emery County. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

CLERK/AUDITOR BUSINESS

Clerk/Auditor Bruce Funk presented to the Commission for their consideration Warrant/Check Edit List #96914 through and including #97082 for payment.

The following requisitions were presented for Commission consideration.

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
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Commission Minutes  
January 8, 1997

97-96	Vacuum for Emery Library	\$ 349.99	Approved
98-96	Notebook computer - Public Lands	3,900.00	Approved
99-96	Notebook computer - Clerk/Auditor	3,488.00	Approved
1-97	Computer - Assessor	1,629.00	Approved
2-97	Computer - Extension	1,629.00	Approved
3-97	1993 T800 Kenworth Tractor (With White tractor trade-in)	38,500.00	Approved
4-97	ATV - Weed & Mosquito	15,000.00	Approved

The following fixed assets were presented to the Commission for disposition:

<u>FIXED ASSET#</u>	<u>DESCRIPTION</u>	<u>DEPT</u>	<u>DISPOSITION</u>
05108	1986 White Tractor VIN 127CLCJ36GN113702	Road Dept.	Trade-in
01597	1080 Goodroads H210 Sander Serial # 1447A	Road Dept.	Sold
None	1979 Jensen Snow Plow	Class B	Sold
002533	Framed picture of Green River Bridge	Clerk	Transferred to Hist. Society

A motion was made by Commissioner Kent Petersen to approve the Warrants for payment, Requisitions for purchase and Dispositions of Fixed Assets. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Clerk/Auditor Bruce Funk explained that the County has been paying the telephone cost for the Juvenile probation and Adult Probation and Parole offices. As part of the transfer of the Court to the State, those costs will be put on a "line card" which will break off all of their outgoing calls onto three or four lines which they will be billed for separately. The County will also bill the State for the equipment they use. He further explained that Shawn Jeffs, the Juvenile Probation Officer, has moved his office downstairs into the Clerk's office. His old office space is now being used as a storage room for Clerk's office files and equipment.

Sheriff Guymon reported that he is in need of some office space near the Courtroom where his people could wait when they need to testify in court. The room that was supposed to be provided for this use is being used as storage

The need for storage space was discussed. It is planned to use the old Road Shop building for



storage, however it will not be available until April of 1997. Commissioner Wilson suggested meeting with each department to discuss their storage needs.

(12)

PERSONNEL ITEMS

Pat Snowball personnel director requested the following personnel actions:

Clerk/Auditor

Shellee Allred has requested to go from full time to 3/4 time (20-39 hours per week). This reduction in hours would cause her benefits, including health insurance, to be prorated. She understands this and accepts it. Her employment status would remain the same, Deputy Auditor II Grade 6, Step F.

Carol Cox was hired at less than 20 hours/week. She expanded her hours to full time during Shellee Allred's leave of absence and in order to help the office during its reorganization continues to work full time. With the drop in Shellee's hours, Carol has been asked if she would be willing to become a full time, career service employee. She has accepted. She will remain a Deputy Auditor II, Grade 6, Step C and she will be eligible for the full benefit package.

Upon approval these changes will be effective January 9, 1997.

Commissioner Wilson asked how this change in the Clerk/Auditors office would effect the personnel situation as far as an accountant being hired in that office and whether an employee would still be freed-up to possibly transfer to one of the two departments who are requesting personnel and have been waiting to see if an employee would be available to transfer. Commissioner Johnson commented that the hold on filling the other two requests for personnel has been contingent on Marcee Wright, who worked in the Clerk's office, training the three Auditor's office employees in how to handle the Clerk duties. If that training has been accomplished, then she could begin to make the transfer to one or both of those other offices. Commissioner Wilson asked if there was still a need for a full time accountant in the Clerk/Auditors office. Clerk/Auditor Bruce Funk indicated that it is his feeling that he is capable of handling the job without the help of an accountant. Commissioner Kent Petersen suggested a contract with Kay Kimball to come in once a month and check what has been done to insure that it is within the legal requirements. Mr. Funk feels that he has adequate help from Treasurer Joan Behling and Ross Huntington who is willing to assist when needed.

A motion was made by Commissioner Kent Petersen to approve the requests to change

Shellee Allred's designation from full time to 3/4 time and Carol Cox's designation from less than 20 hours to full time. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

### Personnel

Mrs. Snowball presented to the Commission for consideration and approval the termination of all temporary employees hired during the 1996 budget year. They are as follows:

Colleen Bott	P/Z, Bldg. Inspect., Emergency Man.
Lance Farmer	County Maintenance
Alberta Knight	RSVP
Jami Luce	Auditor
Adam Luke	County Maintenance
Joseph Norton	Museum
Bill Olsen	Landfill
John Snowball	County Maintenance
Edward Walls	Road Department
James Williams	Landfill
Eugene Winder	Road Department
Harmony Winder	Justice Court

There was some discussion regarding the status of some of these positions. It was agreed that some of them need to be changed from temporary to regular part time. A motion was made by Commissioner Bevan Wilson to approve the terminations as stated above. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

The Commission discussed appointing the following temporary employees to up-to-90-day positions while the change in their position status from temporary to regular part time or full time is made: Lance Farmer (this position will change to regular full time), Joseph Norton (this position will change to regular part time), Bill Olsen (this position will change to regular part time, recruit in house), John Snowball (will be reappointed up-to-90-days), James Williams (this position will change to regular part time, recruit in house).

### Road Department

The following temporary appointments were presented for consideration:

Ed Walls (Recruited in 1996 on 9 month temporary) effective 1/6/97 at a rate of \$9.52/hr. He will perform Operator 2 duties.

Jim Williams (Recruited in 1995 on 9 month temporary) effective 1/6/97 at a rate of \$8.08/hr. He will perform the duties of Landfill Screener.

Travis Winn (Recruited in 1995 on 9 month temporary) effective 1/6/97 at a rate of \$8.41/hr. He will perform the duties of a Mechanic.

Bill Olsen (Appointed in 1996 on 90-day temporary) effective 1/6/97 at a rate of \$8.08/hr. He will perform the duties of Landfill Screener.

A motion was made by Commissioner Bevan Wilson to approve the temporary appointments and recruitment and posting for those temporary jobs that will change to regular full time or part time. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

#### Wage and Salary Survey

It has been proposed that Emery County conduct a wage and salary survey in 1997. This would include looking at the salary plan and the job descriptions with an effort to restructure the salary plan making it less expansive; reviewing the job descriptions with an effort to consolidate and make fewer descriptions. Mrs. Snowball asked for approval to begin this process, furthermore, she suggested that an ad hoc committee be appointed to assist her. She suggested that those people who are already serving on the Risk Committee plus any other department heads or elected officials who would like to volunteer be appointed. Commissioner Kent Petersen suggested that the Employee Committee be involved at some point during this process.

#### New form for performance appraisals

Mrs. Snowball requested approval to replace the old performance appraisal form with a new more effective form. This form is good because it emphasizes the review of past goals set by the department head and the employee and sets new goals for the new appraisal period. This sets up a coaching opportunity for appraisals rather than making the appraisal a judgmental situation. The process becomes more productive and acceptable by both the department head and the employee. The Commission gave their approval for Mrs. Snowball to use the new form.

#### Sheriff

Mrs. Snowball requested approval to hire Jeremiah Johnson, Dispatch I at Grade 10, Step A \$9.95/hr, effective January 6, 1997. Jeremiah was selected from the roster established as a result of testing and interviews of the applicants over several months.

Sheriff Lamar Guymon stated that there were two slots to fill and Jeremiah was the number one applicant on the testing and in the interview process. One more applicant will be hired from the roster. He noted that Jeremiah is Commissioner Johnson's son, however Commissioner Johnson excused himself from the hiring process in an effort to keep it impartial.

A motion was made by Commissioner Kent Petersen to approve the request to hire Jeremiah Johnson as stated above. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Mrs. Snowball requested approval to promote Kyle Ekker to Administrative Sergeant, Grade 16, Step N \$16.55/hr, effective January 8, 1997.

Commissioner Kent Petersen made a motion to table this issue until after it has been discussed in executive session. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

#### Public Lands

Mrs. Snowball requested approval to recruit for a part time clerical position to serve in the Public Lands Office noting that She and Val Payne are in the process of working out the details for that position. Commissioner Kent Petersen made a motion to approve the request to recruit for that position as stated above. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

#### (13) APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

A motion was made by Commissioner Bevan Wilson to approve the minutes dated December 18, 1996 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

#### (14) COMMISSION REPORTS

**Commissioner Kent Petersen**

Commissioner Petersen reported that he has talked with Design West regarding the heating and air-conditioning system for the Courthouse and they should be setting up a schedule soon to replace the old system. Hopefully it will be in by late spring of 97'. Commissioner Wilson suggested that a meeting be set up with Design West to review this project and at the same time review the Nursing Home Project.

The committee appointed by the Nursing Home Board which consisted of Commissioner Petersen, John Bramall, acting administrator, Kathy Wright, Director of Nursing, Connie Nelson, Office Manager and Frank Hall and Louise Funk from the Nursing Home Board, interviewed candidates for the administrator position at the Nursing Home. One candidate, Scott Theurer (pronounced Tyre), was unanimously agreed upon as the best choice. Mr. Theurer is an experienced Nursing Home Administrator. He is looking for a position that will allow him to move closer to his wife's parents who live in Sanpete County. He has accepted the job at \$42,000 per year. It has also been recommended that Mr. John Bramall be retained as a consultant for the Nursing Home. Commissioner Petersen stressed that the amount of money the County will pay Mr. Theurer and Mr. Bramall is considerably less than the County was paying Heritage Management and their administrator.

Commissioner Petersen made a motion to approve the recommendation of the Committee to retain Mr. Scott Theurer to act as Nursing Home Administrator and also to retain Mr. John Bramall to act as a consultant. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The PCIFB has met and identified their priorities list, they are asking for Commission approval of their recommendations. A motion was made by Commissioner Bevan Wilson to approve the PCIFB's recommendations. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

**Commissioner Randy Johnson**

Commissioner Johnson reported that he was given the responsibility of arranging to have the professional building inspected. After some searching he has located someone to perform that inspection. The cost could be as much as \$2,000. He asked for Commission approval to go ahead with the inspection and suggested that the Road Shop in Green River be included. A motion was made by commissioner Bevan Wilson to approve the inspection as stated above. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Johnson asked Val Payne, Public Lands Director, if he was ready to submit the letters on the Horseshoe Cattle Permit that were discussed at the December 18, Meeting. Mr. Payne indicated that he has been researching the subject and is in the process of composing the letters. He reported that the permit has already been retired, but he feels that it is important that Emery County's position on the issue be stressed. As part of the letter he will be transmitting a copy of the MOU that we have established with the Hanksville, Richfield and Moab BLM offices.

Mr. Payne continued giving the Commission an update of his activities. He made the following comments:

1. Concern was expressed in the last Commission Meeting regarding fences being built by the BLM in the Cane Wash area. Mr. Payne has spoken to the BLM; their position is that there have been no new fences built in that area. However, some of the other permit holders indicate the opposite. He has invited the BLM to attend the Public Lands Council Meeting next week to discuss both the Horseshoe South allotment issue and the fence concerns. Commissioner Wilson reported that he has visited with Roy Oviatt who stated that the fences were built on old fence lines.
2. He has drafted a comment letter on behalf of the Public Lands Council in response to the River Gas Company's draft environmental impact statement. He feels that there are a lot of problems in that document concerning both public and private lands. In his letter he indicated that his intent was not to point out all the problems, but to suggest that it be reopened for public review. Ben Grimes from Elmo has drafted a letter and done an excellent job working with him in addressing the private land aspect.
3. He has completed review of a preliminary draft of an environmental analysis document for U.S. Gypsum's proposal for a mine in the Kimball Draw area. The document will be out for public comment some time this month at which time he will submit formal comments.
4. He has received a copy of BLM standards for Rangeland Health and Grazing Management. He stated that this is a final rule. The process now is for anyone who has standing to protest the final document. A letter he received from Bill Howell confirms that Southeastern Utah Association of Governments was part of the review process which gives us standing so we can protest that document if we see the need to.
5. Comments on the BLM proposed rule regarding definitions are due January

21, 1997. Those proposed definition changes need to be looked at because some of them will come up on other documents . He has reviewed the BLM proposed rule regarding exchange procedures and found that no comment was necessary. The BLM law enforcement proposal also needs to be reviewed by February 6, 1997.

6. The Forest Service Genwal lease extension is due to be out this month. He hasn't seen it yet but has contacted the Forest Service by phone. Also the Forest Service decision notice regarding the Trail Mountain Mine Plan and lease modification comments are due by the end of this month. He indicated that he reviewed the modification and expressed to them (the Forest Service) that we had no comments at that time, but do want to stay involved in the process.

7. He asked the Commission to review the proposed legislation from the Utah Legislature, which has been submitted to them, to let him know if there were any specific bills that they feel need to be tracked.

(15)

#### OTHER BUSINESS

##### Clerk/Auditor Bruce Funk

Clerk/Auditor Bruce Funk presented additional requisitions that were overlooked during his previous presentation. (Those requisitions have been listed under item #11, Clerk/Auditor Business) A motion was made by Commissioner Bevan Wilson to approve the requisitions. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Mr. Funk stated that the personnel action forms need to be improved to avoid confusion in the Clerk/Auditor's office in regards to payroll changes. He reported that W2 forms are ready to go into the mail. He also informed the Commission that it will be necessary to budget for an extra pay period either this year or in 1998. He explained that the pay periods are shifting back; we are going further back into the previous year and paying for that payroll out of the current year's budget.

Mr. Funk stated that he supports the Commission in the decision to combine the Clerk's and Auditor's offices. However he feels that it was unfortunate that he was not more involved and able to provide his input regarding the duties and salary for the Clerk/Auditor's office. He brought UCA section 17-16-20 to the attention of the Commission. It states: " Whenever the County Legislative body shall combine the duties of any County officers, the salary of the person discharging the duties of such offices shall be fixed at a sum not exceeding the highest salary paid to either of the officers who's offices are so combined, in addition to an amount not

exceeding one-half of the salary fixed for the other officer, when only two offices are combined or when more than two offices are combined, in addition to such highest salary, one-third of the combined salaries of each other officers.” He explained that he wanted to bring this to the attention of the Commission. He further explained that his responsibilities have increased significantly and he will no longer have time to operate his private business which he feels he needs in order to maintain his livelihood. He is aware that the District Court duties have been eliminated, however the County Clerk duties are still his. He has discussed this matter with Kay Kimball and Mr. Kimball has recommended that he discuss it with the Commission in a public meeting. He stated that he had not looked at the budget that he has been left with nor has he solicited this consolidation of offices. He feels that the intent of the legislature needs to be looked at. He realizes that the County has legal representation to look after their interests and he would like the same opportunity for himself if the need arises.

Commissioner Johnson stated that he does not have a problem with looking at this in the terms that have already been agreed upon in looking at some of the other elected officials salaries. He recalled that when he was first informed of Mr. Huntington’s resignation he called Mr. Funk into his office to discuss whether this window of opportunity should be used to combine the offices. At that time Mr. Funk stated that he did not want to influence that decision and would trust in the Commission’s decision. This decision has had to be made in a hurry and there has not been a lot of time for extensive and comprehensive discussion. He is not comfortable with the picture that Mr. Funk is painting, that he has been left out of this process.

Mr. Funk explained that he did say that he did not want to influence the initial decision, but that once the decision was made he wanted to have the opportunity to provide his input. The Commission responded saying that Mr. Funk attended the public meeting in which the decision was made and that he has had as much input as anyone. It was also pointed out that Mr. Funk and Mr. Huntington together have made all the decisions regarding what is to be done in the office and the Commission has not been consulted in that area.

#### Forest Service Communication Use Lease

Leslie Bolinder addressed the Commission explaining that the Forest Service Communication Use Lease was tabled in the December 18, 1996 meeting in order to give Brett Mills time to review it. It was discovered that there was a misunderstanding and Mr. Mills had actually already reviewed that document and given his approval. She asked the Commission if they could ratify the approval of that document at this time. Commissioner Bevan Wilson made a motion to approve the ratification of the signing of the Communication Use Lease with the Forest Service. The motion was seconded by Commissioner Kent Petersen and approved by all members present.



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### EXECUTIVE SESSION

A motion was made by Commissioner Bevan Wilson to adjourn the regular Commission Meeting and move into executive session at 12:30 p.m.. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)  
RESUME REGULAR COMMISSION MEETING

The regular Commission Meeting resumed at 1:00 p.m.

Commissioner Bevan Wilson asked Sheriff Guymon what his plans were for future reorganization in his department. The Sheriff indicated that he plans to do testing for the 1997 roster and select two more sergeants, one in the Jail and one in Traffic. It was decided that an evaluation of the reorganization will be done at the first of each quarter.

A motion was made by Commissioner Kent Petersen to approve the request to promote Kyle Ekker to Administrative Sergeant, Grade 16, Step N \$16.55/hr, effective January 8, 1997. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Bevan Wilson reported that a letter was received from Brent Oveson asking that Commissioner Johnson be appointed to serve on the Board of Directors of UAC as At Large Appointee. This is a four year term. Commissioner Johnson accepted the appointment.

(18)  
ADJOURNMENT

Motion to adjourn the meeting at 1:20 P.M. was made by Commissioner Bevan Wilson seconded by Commissioner Kent Petersen approved by all members present.

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ATTEST: \_\_\_\_\_ Chairman: \_\_\_\_\_

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF EMERY COUNTY COMMISSIONERS  
HELD IN THE EMERY COUNTY COURTHOUSE  
January 22, 1997**

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney, David Blackwell; and Clerk/Auditor Bruce Funk.

The meeting was called to order by Commission Chairman Randy Johnson at 4:00 p.m.

(1)

PERSONNEL ITEMS

Personnel Director Pat Snowball presented the following items for Commission consideration:

A. Clerk/Auditor - Planning/Zoning/Public Lands Presented to the commission was the requested transfer of Marcee Wright from the Clerk/Auditor office to the Planning/Zoning - Building Inspection - Emergency Management Office. She will retain her current grade and step of 6F or \$8.96/hr. She will retain her current part time status of 20-39 hours, She will work no more than 20 hours per week in the Planning/Zoning/etc. office. She will also retain her prorated benefits as they currently are and will continue to pay one quarter of the health insurance. Commission Kent Petersen inquired if it was not her desire to work more than the 20 hours per week. Marcee Wright who was in attendance indicated that she would like to work as many hours as possible. It was therefore the Commissions opinion knowing of Marcee's skills to use her part time in the public lands office. It might be more beneficial to the county to extend Marcee's hours up to the 39 maximum rather than hiring an additional person. It is further noted that previously a job description had been created for such a person in the Public Lands and the recruitment process had been approved. After further discussion motion was made by Commissioner Bevan Wilson to approve the transfer of Marcee Wright to the Planning Zoning/Building Inspection - Emergency Management Office ( no more than 20 hours per week). This to be further evaluated with the Public Lands Director Val Payne. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

B. Clerk-Auditor office Requested was approval to begin the recruitment for an individual with considerable knowledge and skills in accounting and office. Clerk/Auditor Bruce Funk indicated to the Commission that he is very close to making a decision on what his needs are but would like more time to discuss this further with Commissioner Randy Johnson and Personnel Director Pat Snowball. No action was requested of the Commission at this time.

C. County wide Maintenance- Resolution 1-22-97C Presented to the Commission for their consideration was resolution 1-22-97C wherein said resolution amends the Emery County Personnel policy and adds the career service position of repair/service technician at a grade 14. After having conducted an in house recruitment and interviews for the position it was proposed that Lance Farmer be hired to fill the position of repair/service technician at a grade 14D or \$12.03 per hour effective 1/23/97. It is further proposed that this position come under the direction and supervision of the road department. It is further noted that although this is a new position Lance Farmer has been working under the same job description this past year and basically the only difference is that supervision will be through the Road Department and the Commissioner supervising that Department. Commission Chairman Randy Johnson requested the implementation of a work order process which would reflect the date requested, scheduling date, and the completion. After further discussion motion was made by Commissioner Kent Petersen to approve and accept Resolution 1-22-97C creating the position of repair/maintenance technician and to approve the hiring of Lance Farmer to fill that position at a grade and step 14D or \$12.03 per hour effective 1/23/97 and that said position be under the supervision of the Emery County Road Department motion was seconded by Commissioner Bevan Wilson and approved by all members present.

( 2 )  
CLERK / AUDITOR BUSINESS

Clerk/Auditor Bruce Funk informed the Commission that due to insufficient time, because of year end closing, a complete warrant list was not available at this time for Commission approval however he did present to the Commission for their consideration the following:

A. Dispositions:

1. Chair lift for vehicle - Road Department. Because of the lifts age the Commission felt that if anyone could get some service out of it that the road department is to dispose of it as they so desire.

B. Requisitions:

<u>Req. #</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
5-97	Xerox copier Recorder office	\$6070.00	Approved
6-97	Four (4) 1996 Ford Broncos Sheriff Dept.	\$92,000.00	Approved

7-97	One (1) 8' pickup snow sander spreader-inst.	\$3,425.00	Approved
	One (1) 9' Snow plow w/lts Road Dept (Class B)	\$2,675.00	Approved
—	One (1) 1996 Ford Bronco Road Dept	\$23,000.00	Approved

Motion was made by Commissioner Kent Petersen approve the depositions and requisitions as presented, motion seconded by Commissioner Bevan Wilson and approved by all members present.

C. Community Theater: Also presented was a request from Emery Jones , Financial Board member of the Community Theater requesting \$1,500.00. This money was allocated to the Community Theater in the Emery County budget however it was the consensus of the Commission that this matter be tabled until the next Commission meeting to further review the request therefore no action was taken at this time.

( 3 )

CONSIDERATION AND ADOPTION OF RESOLUTION 1-22-97A AUTHORIZATION THE  
ISSUANCE AND SALE OF \$1,000,000.00 FEDERALLY TAXABLE TAX AND REVENUE  
ANTICIPATION NOTES OF THE CASTLE VALLEY SPECIAL SERVICE DISTRICT

Mr. Darrell Leamaster, administrator for the Castle Valley Special Service District reviewed briefly with the Commission that these are tax anticipation borrowing notes which are taxable. Mr. Kent Minchey, Zions Public Finance , the underwriters, reviewed the various interest rates. The coupon rate on the notes will be 6.3% which includes all costs. Zions Bank will actually purchase the coupons at par plus \$264. Their purpose before the Commission at this time is to approve and confirm the sale. Motion was made by Commissioner Kent Petersen to approve Resolution 1-22-97A authorizing the issuance and confirming the sale of \$1,000,000 federally taxable tax and revenue anticipation notes of Castle Valley Special Service District. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

( 4 )

CONSIDERATION AND ADOPTION OF RESOLUTION 1-22-97B AUTHORIZING THE  
ISSUANCE AND CONFIRMING THE SALE OF \$862,000. GENERAL OBLIGATION

PUBLIC PURPOSE BONDS OF CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Mr. Kent Minchey continued with this matter noting that Castle Valley Service District in arranging for financing on a project received part grant money from the Permanent Community Impact Fund Board ( PCIFB) and also a short term loan at 4% in the amount \$862,000. This will be purchased by the state in the form of bonds in accordance with the bond election held two years ago. Anticipated closing date on the bonds would be the first part of March. Also discussed were additional Federal Grant monies and Bureau of Reclamation monies to be applied to the project as part of the federal salinity project. The project will involve construction of a water treatment plant above Orangeville which will service both Castle Dale and Orangeville. Also constructed will be the stock watering lines. The bonds will pay off on January 1, 2002. Commissioner Randy Johnson and Mr. Minchey recognized Mr. Leamaster and Castle Valley Special Service District in their exemplary way they do business and their service to the residences of the County whereupon motion was made by Commissioner Kent Petersen to adopt Resolution 1-22-97B authorizing the issuance and confirming the sale of \$862,000. General obligation Public Purpose Bonds of Castle Valley Special Service District as outlined. Motion seconded by Commissioner Bevan Wilson approved by all members present.

( 5 )

COAL BED METHANE VALUE ADDED STRATEGY

Mr. Kevin Higgins of Strategies, Inc. Under a grant from the Emery County Economic Development Council committee presentation to the Commission and those in attendance the coal bed methane value added study which he has now completed. Provided to the Commission where two reports both in draft stage, one having received input from Economic Development director Rosann Fillmore, the other one not. Mr. Higgins outlined two tasks, the first was to look at the production and development of coal bed methane and to identify activities that could add value to Emery County this in the report dated November 1996. The second task was to identify activities and the strategies that local government can use to encourage industrial activity, this one dated January 1997. He identified industries that could be looked at. One of those included Well Drilling and Servicing, but most drilling companies use their own crews therefore providing very little opportunity for employment. Mr. Higgins then looked at those industries that consume large amounts of natural gas such as electric power plants, ammonia production, glass, cement and turkey processing. Looked at were the economics of locating such an industry near the source of energy production, the cost of gas service and the overall final costs up through and including shipping the final product. He felt that electrical power production could result in a potential savings to the producer. As for ammonia production, he felt that it was a wash because of the cost for shipping ammonia in special containers. Production of glass because of the silica available has a potential benefit. Cement is not a good option because of its associated shipping costs. Turkey processing or any food processing uses a

lot of heat, but is not a high wage paying industry and therefore he does not recommend it. He went on to discuss what tools are available to the county for encouraging such industrial activities. Recommend were either redevelopment agencies or enterprise zones in which Emery County meets four of the six requirements to qualify for enterprise zones.

( 6)

BLM QUARTERLY UPDATE

Penny Dunn, addressed the Commission giving them an up date on coal bed methane activities. They are prepared to proceed with the Ferron Natural Gas project. They have entered into a memorandum of understanding with four of the gas producing companies involved. "Texaco Exploration and Production, Inc., Anadarko Petroleum Corp., Chandler and Associates, Inc. and Questar Pipeline Co." She outlined future scoping meetings and a coordinating group made up of local, state and federal agencies to over see the EIS as it develops. The River Gas EIS project is drawing to a close, they have approximately 200 comments which they will review and prepare statements or change the EIS. Also discussed was the Habitat Management plan on the North San Rafael indicating that the plan is available today at the libraries. There is a 30 day comment period. They are looking at range applications and stocking levels for this spring use. They will be cautious. They are reviewing requests in regards to the gypsum mines located on the Moore Road.

Americorp has some \$300,000 for projects and are looking at Emery County for a number of projects which include the Cleveland Lloyd Dinosaur Quarry and Temple Mountain.

Penny responded to questions in regards to the recently published law enforcement rules and regulations which give broad authority to the BLM. It was pointed out that what had happened was that existing laws have been consolidated into one area rather than having them scattered as they presently are. There has been no instruction to pursue these regulations beyond what is presently enforced. Commissioner Randy Johnson pointed out the need to look at the magnitude and implications of such laws on the communities and citizens and the need to keep them informed.

( 7)

CITIZENS CONCERNS

Kleston Laws, from the Utah Department of Transportation, discussed comments received as to the high snow piles left by the snow removal equipment as a result of the recent heavy snow fall.

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Sheriff Lamar Guymon thanked Mr. Laws and Utah Department of Transportation for the snow removal which they did provide. Mr. Laws pointed out that they did have to close highway 31 and I-70 during part of the storm. The storm was unusual and as such closure had to be somewhat expected. He also expressed concern over the increased speed limits on the highways in the county. There will be a meeting on February 11, 1997 at 2 P.M. at the Emery County Courthouse to discuss B & C road funds. Mr. Laws appreciated the cooperative efforts of UDOT and the Emery County Special Service District #1 on past road projects. Concern was expressed in that it appears that highways in Emery County will not get any attention in the state wide transportation plan. Highway 10 is becoming severely damaged by the coal haul trucks out of Salina Canyon. There being no other comments the Commission expressed appreciation to Mr. Laws for the update.

( 8)

FOREST SERVICE QUARTERLY UPDATE

Charlie Jankiewicz informed the Commission of his scoping letter on the Huntington Canyon. A public hearing to be held January 23, 1997 at 7:00 P.M. in the Commission Chambers to discuss the improvements and closure of some campsites adjacent to the stream in Huntington Canyon. Mentioned was the recent article in the Salt Lake Tribune, which discussed the closing of campsites along the Huntington Creek due to human waste. They discussed the San Rafael Futures Project.

( 9)

DEPARTMENT OF WORK FORCE SERVICES

Colleen Everidge, Director of the Castle Dale office of Job Service introduced to the Commission, Curtis Johnson, the new administrator, who on July 1, will become the deputy director of the Department of Work Force Services and he introduced his assistant Bev Marzefield. Also introduced was Judy Chambley, she will be the regional director, which will include the Uintah Basin Planning Region and the Four Corners Planning Region. Mr. Curtis outlined the need for the work force services in that it is to simplify and make more efficient the welfare and work force related programs in the State of Utah. Governor Michael Leavitt's task force on work force development identified 36 different programs with the primary purpose of helping individuals gain employment. These programs are spread across 5 different state agencies resulting in significant red tape, administrative duplication, and multiple case management. This new department will bring many of those programs under its administration. This department and program came about as a result of house bill 375 passed in 1996 by the Utah Legislature. The programs will become effective in July of 1997. They presently have sufficient staffing for the program. Mr. Johnson did point out that personnel cut backs could



happen as a result of anticipated federal cutbacks. Commissioner Petersen supported and strongly recommended the office to be located in Price . Judy Chambley reviewed the goals and ideals of the program.

( 10)

RELOCATION OF EMERY COUNTY FIRST SETTLER PLAQUE

Mr. Gene Brown pointed out that the plaque was originally placed in the west hall of the foyer, since that time the tax office had been built around it and during recent renovations the plaque had been removed. Mr. Brown's request of the commission was to have it relocated somewhere in the court house foyer where it could be viewed by citizens. The question was whether it might be better seen if placed outside on the building. Commissioner Randy Johnson noted that the Commission had previously discussed the need to relocate the plaque and would again take that responsibility.

( 11)

PUBLIC LANDS UPDATE

Mr. Val Payne, Public Lands Director gave the commission an update since the last commission meeting. He has sent a letter to the BLM in regards to the Horseshoe South allotment. He has not had any feedback yet.

From the December 18, 1996 Commission meeting he has since talked with the BLM in regards to the fencing taking place in the Cane Wash area. The BLM has provided information which will be passed on to the Public Lands Council, Lee McElprang and other interested parties.

He responded to the River Gas draft EIS and attended meetings with the Natural Resource Coordinating Council. He has prepared a response to the EIS on the River Gas Project emphasizing that his focus was on the document and not the project. Mr. Payne continued in outlying several documents and actions which he is following up on or yet need his attention.

( 12 )

RENEWAL OF BILLBOARD SIGN LEASE

Emery County Clerk/Auditor, Bruce Funk, presented in behalf of Economic Development director Rosann Fillmore, the lease renewal agreement between Emery County and The Frank D. Mathis Family Trust. The sign is located north of the Price Hospital. The contract is for a five year period at Three Thousand Dollars (\$3,000.00) per year, due March 1 whereupon after

discussion motion was made by Commissioner Kent Petersen seconded by Commissioner Bevan Wilson to approve the sign contract motion was approved by all members present.

( 13)  
ROAD DEPARTMENT/LANDFILL

Road Superintendent Rex Funk informed the commission that he has been contacted by the high school regarding some temporary student parking. Excavation for the new auditorium facility which will take up much of the present student parking. The need will come in early February. They are requesting use of the area South of the school road shop approximately 1 ½ acre. He noted that the road department has been involved in helping the school district in other years and they would not be setting any precedence. Sheriff Lamar Guymon concurred in the need for the parking and that he has been in meetings with Emery County School Superintendent and would have further information next week.

( 14)  
RE-APPOINTMENTS TO EMERY COUNTY RECREATION DISTRICT

Kent Petersen reviewed the letter received from Ferron City who is requesting that Don Petersen be re-appointed as the Ferron representative to the Emery County Recreation District. Upon the recommendation of Ferron City, motion was made by Commissioner Petersen to appoint Don Petersen to serve on the Emery County Recreation District as the Ferron Representative. Motion was seconded by Bevan Wilson and approved by all members present.

(15)  
CONSIDERATION AND APPROVAL OF APPOINTMENTS TO EMERY COUNTY TRAVEL BUREAU BOARD

Commissioner Bevan Wilson noted that Gary Stevens of Ferron who served on the board has resigned. The term of Ron Prettyman has expired and they would like to replace him while continuing to extend him an invitation to attend the meetings. Warne Linton has resigned to serve a mission. At the recent travel bureau meeting they recommended that LaRae Majors replace Ron Prettyman. The terms of office are uncertain at this time but will be clarified later. Because of insufficient time they are not ready to make recommendations on the other vacancies. Therefore motion was made by Commissioner Bevan Wilson to appoint LaRae Majors to fill the Ron Prettyman seat on the Emery County Travel Bureau Board and hold on the other names at this time. Motion seconded by commissioner Kent Petersen and approved by all members present.

( 16 )

GREEN RIVER HIGH SCHOOL DONATION REQUEST

Commissioner Randy Johnson reviewed the letter received from the seniors of Green River High School requesting financial support so they can attend Close-up. Commissioner Randy Johnson noted that it was an uplifting experience to work with the Green River students. They work extremely hard to keep students involved which results in total student support at their activities. He would recommend that the County Commission support their efforts and take the funds from dues and contributions. Motion was made by Commissioner Bevan Wilson to make a contribution to the Green River Seniors in the amount of \$250.00 to assist them in attending the Close-up program. Motion was seconded Commissioner Kent Petersen approved by all members present.

( 17 )

APPROVAL OF RESOLUTION 1-22-97D ADOPTING THE FINAL 1996 BUDGET WITH ADJUSTMENTS

Emery County Clerk/Auditor, Bruce Funk, presented to the commission the Resolution 1-22-97D which adopts the final 1996 budget as adjusted. This a follow-up to Resolution 12-18-96A which authorized the Clerk/Auditor to make final line by line adjustments to the 1996 budget and to present it to the Commission for adoption at this time. Motion was made by Commissioner Kent Petersen seconded by Commissioner Bevan Wilson to adopt Resolution # 1-22-97D and the 1996 budget as adjusted. Motion was approved by all members present. Mr. Funk suggested that a meeting be set up with the Commission, himself and outgoing Auditor Ross Huntington for January the 27th at 10 A.M. to review in more detail the adjustments.

( 18 )

TIMELY REPORTING OF PRODUCTION AND EXPENSES BY OIL AND GAS PRODUCING COMPANIES

County Attorney David Blackwell noted that he has reviewed the recommended ordinance purposed by Mr. Bill Peters requiring timely and accurate reporting of production and expense by oil and gas producing companies. Without such reporting requirements there could be a resulting detrimental affect to the county on taxes received. After further discussion it was the consensus of the Commission to invite Mr. Peters down next week to meet with the Commission. Commissioner Bevan Wilson will follow up.

( 19 )

COMMISSION REPORTS

Commissioner Kent Petersen has received a call from Drivers License indicating that because of internal problems they are requesting they be allowed to schedule only one day per month to be in Emery County for drivers license examinations and renewals. Mr. Petersen expressed concern and questioned that with their current budget and personnel why this necessitated reducing the number of days they could come to Emery County. Commissioner Randy Johnson indicated that he would follow up, he is not comfortable with their request.

Mr. Petersen also informed the Commission that the Legislative Committee of UAC is pushing the passage of the sales tax for counties. Also discussed was the anticipated passage of the centrally assessed refund bill.

Commissioner Bevan Wilson discussed the coal bed methane upcoming EIS. Also discussed that Emery County Planning Commission is working with Texaco on a tour of the reverse osmosis plant at Bakersfield, California. They would like to take a county task force which would look at the water coming from the plant and how it's cleaned up and used afterwards. It was felt that this would be time and money well spent.

( 20 )

OTHER BUSINESS

Emery County Sheriff Lamar Guymon discussed the San Rafael Fat Tire Festival which is a bike ride previously sponsored by Carbon County Recreation that takes place in the San Rafael area. They have requested that the Emery County Sheriff's Posse take over the event. He will keep the Commission posted. It was suggested that the Sheriff discuss this with the Recreation District.

Asbestos inspection at the Green River Road shop building was discussed noting that a prior inspection has been completed and asbestos has been identified throughout the building. Another inspection has been requested by the Commission. Mr. Funk would be accompanying Mr. Tom Smith on an inspection of the facility on Friday, January 24, this as part of the inspection of the Professional building located in Castle Dale.

( 21 )

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MEETING ADJOURNMENT

Motion to adjourn the meeting at 7:20 P.M. was made by Commissioner Kent Petersen seconded by Commissioner Bevan Wilson 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**

**February 5, 1997**

Those present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; Deputy County Attorney Allen Thorpe and Clerk/Auditor Bruce Funk.

The meeting was called to order at 9:00 a.m. by Commission Chairman Randy Johnson.

(1)

HUNTINGTON CITY ANNEXATION

For consideration by the Commission was a request from Huntington City wherein they propose to annex approximately a one block area located on the South border of Huntington and the road referred to as Tin Can Alley bordered on the West by Highway U-10. This would be the Ray Gunderson property. Therefore, after further discussion, it was the consensus of the Commission, on motion of Commissioner Kent Petersen, to not oppose the proposed annexation to Huntington City. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

CONSIDERATION OF 1997 FFA WEEK PROCLAMATION

Representing the FFA were officers, Mandy Sitterud, FFA President, Joe Humphrey, Jeff Humphrey, Cassie Jones, Haley McMullin and Brady McMullin. They presented to the Commission a proclamation, for signatures, wherein it stated: Whereas, the FFA and agricultural education provide a strong foundation for the youth of America and the future of agriculture; and Whereas, the FFA promotes premier leadership, personal growth and career success among its members; and Whereas, agricultural education and the FFA ensure a steady supply of young professionals to meet the growing demands in the science, business and technology of agriculture; and Whereas, the FFA motto--"Learning to do, doing to learn, earning to live, living to serve"--gives direction to these students who strive to become leaders with a vision; and Whereas, the FFA performs the valuable service of encouraging cooperation, promoting good citizenship and inspiring patriotism among its members. Therefore, I do hereby designate the week of February, 15 through 22, 1997, as FFA Week. They expressed their appreciation to the Commission for their support. Motion was made by Commissioner Kent Petersen to proclaim February, 15 through 22, 1997 as FFA Week, seconded by Commissioner Bevan Wilson and approved by all members present.

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(3)

DIVISION OF WILDLIFE RESOURCES QUARTERLY UPDATE

Jim Karpowitz, acting Regional Supervisor for the Division of Wildlife Resources came before the Commission informing them that Miles Moretti, who has normally attended the meetings, is acting Assistant Director in Salt Lake City. Mr. Karpowitz stated his purpose for coming before the Commission at this time is to present to the Commission a Tax-in-Lieu payment in the amount of \$2,751.31. He pointed out that these funds are paid on properties owned by the DWR and received directly from the sportsmen. Continuing as part of his update, Mr. Karpowitz indicated that a new director will be appointed sometime in March. He further stated that luckily the winter weather conditions will force the wildlife into lower elevations. So far they have received minimal problems. They anticipate a winter loss on deer. The snow in some areas is 200% of normal. He further noted that the DWR is also involved in the River Gas Coal Bed Methane Project. In regards to the Ferron Natural Gas Project EIS, they will be a part of the upcoming scoping meetings. He discussed the consolidation of the DWR and Parks Law Enforcement into one division. At the request of Commissioner Wilson he discussed the Legislative bills before the Legislature at this time, one being the Elk Ranching Bill in which there was Committee support. He also noted that the DWR was opposed to this bill. Upon conclusion he expressed his appreciation to the Commission. The Commission expressed their appreciation to Mr. Karpowitz for being in attendance and updating the Commission at this time.

(4)

TORY KILLIAN, REQUEST FOR HELP IN SECURING PROPERTY FOR MOTOR SPORTS COMPLEX IN EMERY COUNTY

Tory Killian, was not present to discuss this matter with the Commission, therefore motion was made by Commissioner Kent Petersen to table the matter at this time, seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

EMERY RODEO TEAM

Commissioner Randy Johnson read the letter received from Lana Kofford, Secretary of the Emery Rodeo Team. They are sponsoring the annual qualifying rodeo for the 1996-97 school year on April 18-19, 1997 at the Castle Dale Arena. The request of the Commission is for financial support. Motion was made by Commissioner Bevan Wilson to approve the amount for a full page ad in the amount of \$50.00, seconded by Commissioner Kent Petersen and approved by all members present.

(6)

WAR ON DRUGS ORGANIZATION

J.D. Seely reviewed with the Commission his three year involvement with the War on Drugs Organization. The program started out as a part of the Scout-O-Rama. The purpose of the group, this year, would be to concentrate on alcohol abuse. They raised \$3,600.00 last year which they determined went to the purchase of t-shirts, mugs, hats and other participation prizes for the youth. This year they would like to expand the program to include the viewing of a film on alcohol as a pre-requisite to the prizes. They would like to extend this into the schools to be as a support group to the Red Ribbon and Dare Programs currently being offered by the Emery County Sheriff's Department. He noted that Sheriff Guymon supports the program and has \$300.00 in his budget to be applied the cost. Mr. Seeley's request before the Commission was for an additional \$4,000.00. The funds in #71-2881-0000 (Alcohol and Drug Rehabilitation monies prior to Justice Court and Circuit Court) are the monies being looked at. It was pointed out that these funds are not being replaced in the current system and that these funds have become a very important part of the County financial system. The interest from these funds goes directly into the General Fund. Therefore the Clerk/Auditor, Mr. Bruce Funk, suggested caution in using these funds by the Commission. It appears though, that the program would meet the guidelines. He further asked that complete details be provided by the organization, outlining the anticipated contribution by business and others as well as how the funds would be utilized (including the donation from the County). It was therefore the consensus by all present that this matter be tabled in order to allow the Commission to discuss it further with Sheriff Guymon. The Commission further recognized Mr. Seely and his efforts and the success of the program.

(7)

UDOT/ INDUSTRIAL PARK LAND REQUEST

The Commission discussed UDOT's request to relocate their yard in Huntington to a larger site.



They would like to move to the Industrial Park north of Huntington. Huntington City does support this. Huntington City's interest is in the property and building at the present UDOT location. It was pointed out by the Commission that the property was acquired by the county at a tax sale. UDOT's interest is in the North half of the park. The cost of the property is approximately \$7,000.00 per acre. It was discussed that Huntington City's financial interest in the park be traded for County's interest in the current UDOT facilities. However, after further discussion motion was made by Commissioner Kent Petersen to proceed negotiations with UDOT on the purchase of the ten acres of land in the North section of the park. It was further asked that Emery County Assessor, Jim Fauver arrange for an outside appraisal of the property. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

#### CITIZEN CONCERNS

##### Potential Flooding Problems

Mark H. Williams of Castle Dale brought to the Commissioner's attention problems at the South dip road crossing. The County had made improvements to protect the culverts, however, he presented to the Commissioners photos showing the accumulation of debris during flood stages. He asked that, in light of the high snow pack on the mountains and the anticipated high run-off that the Commissioners consider possibly placing a dike to protect his and adjacent properties, which became flooded in times past. He stated that the purpose of the culverts was to allow equipment to cross the creek during the construction process by UPL. Road Supervisor, Rex Funk, has already discussed this with Howard Tuttle, of Johansen & Tuttle Engineering, requesting that they look at the problem. However, it was the concern of Commissioner Bevan Wilson that they look at all drainage. In light of the possible flooding conditions, Commissioner Bevan Wilson also suggested re-establishing the Emery County Flood Preparedness Committee, consisting of the canal and irrigation companies, the BLM, Forest Service and others, to possibly monitor the potential conditions for flooding. Road Supervisor Rex Funk, noted that it takes approximately 120 days in order to get a Corp of Engineers permit. They discussed that in light of the snowtel reports and the possible emergency that they may need to address the situation earlier and he would follow up in regards to that.

##### Clerk/Auditor

Clerk/Auditor, Bruce Funk advised the Commission and department heads present that the IRS approved Standard Mileage Rate is now 30.5 cents per mile.

(9)  
CONSIDERATION OF RELEASE OF LIEN

Presented to the Commissioners for their consideration of approval was the release of the lien on property belonging to Ron A. Prettyman and Elora Prettyman of Emery County, Utah. This releases the lien as part of the property tax diversion agreement through the Treasurer's office (the Prettyman's, having paid the outstanding amount of \$459.78). Whereupon, Commissioner Kent Petersen, recognizing the extension and the paid receipt of the payment, motioned to approve the release of lien on the Prettyman property as submitted. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)  
USED OIL STEERING COMMITTEE

Commission received a letter from the Used Oil Steering Committee requesting a Commission member to be on their board. The Commission felt that since Road Supervisor Rex Funk, who has been working on that committee and is involved with the Landfill, would be best to continue in that position representing Emery County's interest.

(11)  
ROAD DEPT/LANDFILL

Road Supervisor, Rex Funk presented to the Commission for consideration the following items:

- 1) Acceptance of Completed Road Projects  
The following Road Projects were submitted for Commission acceptance back into the County road system, these roads having been completed by the Emery County Special Service District #1. These roads are the road #105, Sally Staker to U-10, #125 Horse Canyon and #717 Ferron Stake to U-10/Molen. Motion was made by Commissioner Bevan Wilson to approve the road projects which have been completed by the ECSSD#1 and accept them back into the County road system as presented, it was seconded by Commissioner Kent Petersen and approved by all members present.
- 2) Johansen & Tuttle Engineering Agreement  
Presented to the Commission was the engineers agreement on the Ferron Canyon Dip. This agreement with Johansen & Tuttle Engineers proposed engineer costs as per agreement at \$5,000.00, with an estimated construction cost of \$35,000.00. Whereupon, motion was made by Commissioner Bevan Wilson and seconded by

Commissioner Kent Petersen to approve the engineering contract as submitted. Motion was approved by all members present.

3) Inter-Agency Agreement for clean-up of Castle Dale Dump Project

Mr. Funk reviewed with the Commissioners the interlocal agreement between the BLM, Emery County and Castle Dale as one agency and the 115th Engineer Combat Group of the Utah Army National Guard, this to clean-up the old Castle Dale Dump located east of Castle Dale. The BLM has signed the agreement that is now before the Commission for their approval and then to go on to Castle Dale City for their signatures. Mr. Funk noted that he initially had a concern about the possible storage of equipment and the possibility of traffic control and other services. However he recommended the Commission approve the agreement. Whereupon motion was made by Commissioner Bevan Wilson to accept and approve the agreement and authorize Commission Chairman Randy Johnson to sign the same. Motion was seconded by Commissioner Kent Petersen and approved by all members present.

(This document was forwarded to the Road Dept. for signatures and follow-up.)

(12)

PROFESSIONAL BUILDING AND GREEN RIVER ROAD SHOP

Road Shop Supervisor, Rex Funk, reviewed his recent inspection of the Castle Dale Professional Building and Green River Road Shop with Mr. Tom Smith of DPR. He indicated that they have thoroughly assessed the Professional Building, taking samples of ceiling tile. He noted that if the building is demolished that only the ceiling tile, which were suspect of containing asbestos, would have to be removed. Since the time of the last testing, Mr. Funk has been advised that the tile does not contain asbestos and therefore it is his recommendation, as well as Mr. Smith's, that the County demolish the building. Therefore, any questionable flooring and other surface materials will not have to be removed prior to demolition. If the building is to be used for any other type of service or to remain, then additional sampling and testing and possible removal of asbestos materials would be required. They discussed that it was not economically feasible to restore the building. They also discussed the liability of the salvage of the materials.

In regards to the Green River facility, the acoustical tile was missing, therefore if demolition did take place, there would be no requirement to test and remove the floor tile, however it was pointed out that the boiler room does contain some significant amounts of asbestos which will have to be removed. They will try to give a plan and recommendation on that. The recommendation from Mr. Smith and Mr. Funk in regards to that facility is that it be demolished.

Further discussed was how the Professional Building might be connected to the existing Co-Op building. Suggested was the use of a structural engineer to assess the demolition. He might also prepare guidelines and recommendations. Whereupon motion made by

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Commissioner Kent Petersen to contact Design West and request that a structural engineer make a review of the Professional Building in Castle Dale and prepare good packages for the demolition of that building. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

COMMISSION SUPPORT OF RESOLUTION 2-5-97

Presented to Commission for their consideration was Resolution 2-5-97. The resolution indicates the Emery County Commission support for the Southeastern Utah Economic Development District and the continuation of its overall Economic Development Plan and Work Program for the year 1997-98. Motion from Commissioner Kent Petersen to approve Resolution 2-5-97 in support of SEUEDD and its plan and program for the year 1997-98 as outlined within the resolution. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

SOUTHERN UTAH UNIVERSITY-HOME STUDY PROGRAM

Commissioner Kent Petersen reviewed with the Commission a letter received from SUU, wherein they have developed a Home Study Course for Local Government. The letter noted that if there are public officials who are interested in Home Study Courses to contact him for further information.

(15)

BLUE RIBBON COALITION

Commission Chairman Randy Johnson, offered to document RS2477 roads. The Blue Ribbon Coalition has offered to come in and document the County RS2477, wherein Road Supervisor, Rex Funk concurred in that most of the RS2477 roads have been identified and therefore Commission would not be interested in the Blue Ribbon Coalition's offer at this time. However they are welcome to drive on those roads in the County and do whatever they can to keep them open.

(16)

APPOINTMENT TO UAC HUMAN SERVICES COMMITTEE

Commission Chairman Randy Johnson reviewed the request from the Utah Association of Counties, wherein they have requested that the Commissioner over Human Services for Emery

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County, be appointed to that committee. Commissioner Randy Johnson is the Commissioner over Human Services and therefore will serve on the UAC Human Services Committee as requested.

(17)  
CLERK/AUDITOR BUSINESS

Clerk/Auditor, Bruce Funk presented to the Commission for their consideration Warrant/Check Edit List #97700 through and including #97812 for payment.

The following requisitions were presented for Commission consideration.

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
8-97	1996 Ford Bronco-Class B Roads	22,995.00	Approved
12-97	5 drawer lateral file cabinets Traffic Enforcement	771.00	Approved
13-97	1 rolling ladder-Sheriff	758.65	Approved
14-97	Computer System/Printer Planning & Zoning & Building Inspection	2,939.00	Approved

Upon motion by Commissioner Bevan Wilson to approve the Warrants for payment and requisitions for purchase and to ratify the signing of the Warrant Check Edit List dated January 22, 1997, motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)  
PERSONNEL ITEMS

Personnel Director, Pat Snowball requested approval to recruit an individual highly skilled in bookkeeping/accounting, and clerical abilities. As it becomes clear the level of applicants interested in the position, arrangements for classification and pay will be worked out between Commissioner Johnson and Clerk/Auditor, Bruce Funk. A job description was provided to the Commission. Upon their review there was a recommendation by Commissioner Kent Petersen that the typing speed of 60 wpm be eliminated. Therefore, motion was made by Commissioner Kent Petersen to approve the recruitment of a Deputy Clerk Auditor IV as a full time position as

requested by the Clerk/Auditor's office. That further consideration be given to the job description by Mr. Funk and Commissioner Johnson and Personnel Director, Pat Snowball. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

#### APPROVAL OF PREVIOUS COMMISSION MINUTES

Re-addressed were the Commission Meeting minutes dated December 18, 1996. It was pointed out that the Forest Service Law Enforcement agreement which had been approved in that meeting had not been noted in the minutes. Motion was made by Commissioner Kent Petersen to amend the December 18, 1996 minutes to reflect the action of the Commission to include therein the Forest Service Law Enforcement Agreement. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commission Meeting minutes of January 8, 1997 were reviewed and corrected. Motion to approve them as corrected was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

Commission Meeting minutes of January 22, 1997 were reviewed and corrected. Motion to approve them as corrected was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

#### COMMISSION REPORTS

##### **Kent Petersen**

Commissioner Petersen reviewed his recent visit to Colorado Plateau Forum which he and Val Payne, Public Lands attended. The forum was entitled "Tourism, A Blessing or a Curse". It covered the Four Corners area of Utah, Colorado, Arizona and New Mexico. He informed the Commission that the next meeting topic would be on dealing with decisions on management of public lands.

##### **Bevan Wilson**

Commissioner Wilson gave an update on his meeting with the coal companies and UDOT. The coal companies expressed their concern over closure of U-31 due to the significant amount of snowfall over Huntington Canyon. Many people employed in mines and power plants and other entities need this road to be kept open. Also discussed was the coal haul truck traffic and the

problems associated with the damage and needed repairs to the roads throughout the county. As a result all agreed to help lobby with UDOT for a snowblower to help maintain the road over Huntington Canyon.

Commissioner Wilson further discussed the meeting with the Emery County Road Department and Energy West. In regards to the Highway 57 overpass, their acclamation planned requirements to reclaim this road should the county not be interested in taking over the road at this time. Emery Mining Company will provide to the County additional information for their consideration.

He further discussed the intent of the Commission to set a public hearing for creation of a district to handle funds to be made available to them through the ECSSD#1 for the purpose of doing projects in the county. This may be referred to as a mini CIB with a possible name of County Enhancement District. Allen Thorpe of the Emery County Attorney's office will look into what might be required. Upon motion by Commissioner Bevan Wilson to set February 19, 1997 at 6:00p.m. as a date for Public Hearing. Notice for publication will be made by the Attorney's office. The Clerk/Auditor's office will see that it is published in the paper on February 11, and 18, 1997. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### **Randy Johnson**

Commissioner Johnson briefly discussed an article in the paper which in a meeting with the Wilderness Litigation Committee, Congressman Hansen, proposed releasing 2.1 million acres of wilderness. In subsequent discussions with Mr. Hansen he noted that was not his interest or intent. Commissioner Johnson also discussed with the Commission the National Resource Committee and the Emery County debate students, wherein they had written a resolution and presented it under the direction of Brad Johnson at that committee meeting. Their resolution basically indicated that they need to get out of the wilderness business. Mr. Johnson expressed how impressed he was with the students in their knowledge and abilities.

(21)

### **ADJOURNMENT**

Motion to adjourn the meeting at 12:17p.m. was made by Commissioner Bevan Wilson, seconded by Commissioner Kent Petersen and approved by all members present.

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ATTEST: \_\_\_\_\_ Chairman: \_\_\_\_\_



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

**February 19, 1997**

Present at the meeting were Commissioners Kent Petersen, Randy Johnson and Bevan Wilson; County Attorney David Blackwell, Sheriff Lamar Guymon and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 4:00 p.m. by Commission Chairman Randy Johnson.

(1)

PERSONNEL ACTIONS-RESOLUTION # 2-19-97A

Emery County Travel Bureau- Executive Secretary

Emery County Personnel Director, Pat Snowball submitted for consideration and approval resolution #2-19-97A amending the Emery County Personnel Policies and Procedures to include a new position of Emery County Travel Bureau Executive Secretary. Presented for their consideration and approval to fill the position is Joanne Ekker. The Travel Bureau has agreed that she will work part time, less than 20 hours per week at Grade 4 Step A \$7.43/hr.; she will not be eligible for benefits. Since she has been working at this position since January 23, 1996, it was decided to make the effective date of the pay change on her anniversary date January 23, 1997. Commissioner Bevan Wilson offered some discussion on the Travel Bureau by-laws and monitoring her hours so as to stay within the budget. The bureau is committed to watching her hours. This will be a permanent part time position.

Motion was made by Commissioner Kent Petersen to approve Resolution #2-19-97A amending the policy to include the new position of Emery County Travel Bureau Executive Secretary and approval of Joanne Ekker to fill that position. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Health Insurance

Personnel Director, Pat Snowball outlined for the Commissioners the current medical plan which was amended in 1995 to include the extension of age for covered dependents. Standard language was substituted by the underwriters which disallowed a blood relative as dependent without a court order. She noted that the extra protection of the plan is not needed because approval of coverage goes through underwriters anyway. At this time she is asking to have the

plan amended back to its original language.

Motion was made by Commissioner Bevan Wilson to table this issue until next meeting and was seconded by Commissioner Kent Petersen and approved by all members present.

#### Extension Office

The Extension Office request approval to appoint Kristen Hansen for up to 9 months temporary, at a rate of \$5.00/hr., beginning February 10, 1997, performing clerical duties. Kristen went through the recruitment process last year and worked for Extension in 1996 so she is eligible to come back based on an appointment and approval from the Commission. Motion was made by Commissioner Bevan Wilson to approve Kristen Hansen for up to 9 months temporary clerical and was seconded by Commissioner Kent Petersen and approved by all members present.

#### Library - Merit Increase

Jerilyn Mathis, County Librarian has conducted a performance appraisal for Flora Motte, assistant librarian in Cleveland and wishes to recommend a merit increase for Flora. She would go from Grade 4 Step E \$8.09/hr. to Grade 4 Step F \$3.25/hr., effective retroactively to January 1, 1997. Flora has worked for the library system since January 1, 1975. Motion was made by Commissioner Kent Petersen to approve this merit increase for Flora Motte and was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

#### CLERK/AUDITOR BUSINESS

Clerk/Auditor, Bruce Funk presented to the Commission for their consideration Warrant/Check Edit List for #97970 through and including # 98206 for payment.

The claim for \$13,000.00 to Multi County Appraisal Trust was questioned. Emery County Assessor Jim Fauver discussed with the Commissioners that the money was to replace funds used. It was the consensus of the Commissioners that there were sufficient funds in the trust and replacing those funds was not necessary at this time. It was the decision of the Commissioners to not pay the Multi County Appraisal Trust claim.

Clerk/Auditor, Bruce Funk explained that he has pulled the Multi County Computer Trust Dues claim. It is no longer necessary to pay the membership dues since we are off the PMSI Computer system and won't be a voting member of that group. Bruce Funk, being a member in trust, will prepare a letter canceling the county's membership.

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Additional Claims

Joanne Behling's claim for the management conference. State Treasurer's Deposit Report for Justice Court. Assessor's office for a computer. Carol Riddle, reimbursement for credit card charges at the Green Belt class.

Dispositions

The following dispositions were presented for Commission consideration.

<u>DESCRIPTION</u>	<u>METHOD OF DISPOSITION</u>	<u>ACTION</u>
3 Jensen Snow Plows	To be sold at auction or given to Another County entity	Approved

Requisitions

The following requisitions were presented for Commission consideration.

<u>REQUISITION#</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
15-97	Hand held Radios-Ambulance	3,252.00	Approved
16-97	Printer-Lab/Sheriff	7,950.00	Approved
	Camera-Lab/Sheriff	1,986.21	Approved
17-97	Scanner-Lab/Sheriff	1,399.95	Approved
	Printer-Lab/Sheriff	799.90	Approved
	Video Card-Lab/Sheriff	199.95	Approved
18-97	Computer System-Sheriff	1,559.00	Approved
	Computer for Photo Lab-Sheriff	5,502.00	Approved
19-97	10 Radios-Class B Roads	6,950.00	Approved

Motion was made by Commissioner Kent Petersen to approve the Warrant/Check Edit List, additional claims, dispositions and requisitions as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

DAVE HARRISON, DESIGN WEST, DISCUSSION AND RATIFICATION OF COURTHOUSE HVAC SYSTEM RENOVATION. CONSIDERATION AND APPROVAL TO SIGN A191 STANDARD FORM OF AGREEMENT BETWEEN OWNER AND BUILDER.

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David Harrison, the Project Manager from Design West reported to the Commission the plans for the renovation of the Courthouse. The subcontractors on the job are Steve Roberts from Salina who will be doing the mechanic/electric and heating and Control, Inc. from Salt Lake City who will be the general contractor and doing the concrete and demolition work. Kelly Burke is Design West's quality control person and he will be here often to inspect their work. Mr. Harrison gave a run down on the basic schedule beginning on February 24th and finishing on May 26th at the latest. They will be working around the court schedule and on evenings, weekends and holidays as much as possible. He gave a synopsis of how the system will work as well as the warranties on the work and parts.

The Commissioners set up a meeting with Mr. Harrison and Design West in their office in Salt Lake City on Tuesday February 25, 1997 at 9a.m. to go over this project in more detail. The Commissioners asked for a breakdown of the costs and other specs as well as the bid schedules, building permits and other proper forms for this project before the meeting.

Commission Chairman Randy Johnson requested delaying any further discussion on this matter until after their meeting with Design West and expressed the Commissions appreciation to them.

(4)

JEFF KELSEY, INTERMOUNTAIN BENEFIT ADMINISTRATOR

Jeff Kelsey will be here on March 5, 1997.

(5)

NIKKI WALLS, REQUEST DONATION TO REPRESENT EMERY COUNTY IN A MISS JUNIOR AMERICA PAGEANT

Nikki Walls' mother is requesting sponsorship from the Emery County Commissioners for her daughter, who is five years old, to attend the Miss Junior America Pageant in California. She is requesting \$100.00 to help with the cost of motel room, travel expenses and banquet dinner. Motion was made by Commissioner Bevan Wilson to give the general donation of \$50.00 for Nikki to attend this pageant. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

VAL PAYNE, PUBLIC LANDS DIRECTOR, UPDATE ON PUBLIC LANDS ISSUES.

Val Payne presented the Commission with an update on the public lands issues. One of the most important things that the Public Lands Council was involved with was the scoping for Ferron

Natural Gas EIS. Mr. Payne publicly complimented the planning commission and the chairman of that commission for the work that was done in informing the public regarding that scoping meeting and EIS process. Because of that effort there was an excellent turnout here in Emery County. He stated he had attended all 3 scoping meetings and the Emery County meeting was the best attended. He commented that the types of concerns brought out in the Salt Lake City meeting were similar to those of the Price and Emery County meetings. He will wait to get more information on the EIS and with the active participation of the planning commission and public lands council we will definitely remain pro active.

In a brief follow up to the lands council meeting, some issues were raised in that meeting regarding the discussion and concern for the closure of the Saddlehorse Road. It was indicated to him that it was a primitive area, that in the BLM's Resource Management Plan they have identified it as such. He has scheduled for Penny Dunn, with the BLM, to bring Tom Gnojek to the next Public Lands Council meeting to better, describe what's going on out there with the closure of roads.

Regarding the comment deadline related to RS2477 Roads as reported in the Public Lands meeting, he could not find anything that indicates there was any comment related to the memo from Secretary Babbitt. He wondered if maybe that newspaper article had confused the comment deadline for the Wilderness Management Proposed Rules for which February 18, 1997 was the deadline. He looked at the Wilderness Management Proposed Rules and commented via the Internet. He spoke with Bill Howell regarding the proposed rules and also compared them to the existing regulations. BLM has rewritten the rules in what they describe as plain English. The changes that they have made deal with valid existing rights as they relate to mining leases. The proposed rules are now saying that mining laws will apply to those valid existing rights only to the extent provided in the legislation designating an area as a wilderness. Previous wording said that mining laws would apply to the extent that they were applicable immediately prior to that designation. It appears that under the proposed rules, the designation that establishes a wilderness area will usurp valid existing rights to a greater extent than is the case under the existing rules. There is notice of an Environmental Impact Statement and Proposed Rules, dealing specifically with valid existing rights, which is out for public comment right now. He has requested a copy of the EIS. Comments on the proposed rules, are due in June. All the things we see going on within the BLM regarding proposed rules are tied together; because, valid existing rights are addressed in these Wilderness Management Proposed Rules and we have a separate action taking place that talks to valid existing rights as they relate to underground coal mining, as well as other valid existing rights on BLM grounds.

He reported he participated in a meeting with regards to the Cleveland Lloyd Dinosaur Quarry. There are some things in the works to do some upgrade at the quarry. This will involve the BLM, Emery County and whatever partnerships can be developed. BLM is working out possible proposals.

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In the Public Lands Council meeting they also talked about National Heritage Areas. He is working on this with Wes Curtis and Tracy Jeffs. They have set a meeting of the Lands Council for Tuesday, February 25, 1997 to determine if a Heritage Area is a viable approach to some of the land management situations in Emery County.

Regarding issues of National concern, there is draft legislation before Congress this session on Reauthorizing and Reforming the Endangered Species Act. The National Mining Association is heavily involved in that and has a committee established. He has received a copy of that proposed bill but hasn't had a chance to look at it yet.

His final comment was that the BLM proposed Law Enforcement Rules are being reviewed and that the comment deadline is coming up.

Commissioner Kent Petersen mentioned that the Canyon Country Partnership will meet in Price on March 13, 1997. The partnership has agreed to start dealing with significant issues that effect the partners and the subject for the said meeting is the RS2477 Road issue as it affects Carbon, Emery, Grand and San Juan Counties, the BLM and the Forest Service.

Commission Chairman Randy Johnson thanked Mr. Payne for all he was doing.

There was a motion by Commissioner Kent Petersen to move into Public Hearing. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

#### PUBLIC HEARING

To receive public comment on proposed creation of a new board, district or authority for the purpose of receiving federal mineral lease funds and redistributing them to eligible public entities for various capital improvement projects throughout the county.

This is in an effort to utilize some of the mineral lease funds for varying purposes in the county, outside of what they are being used for now, without jeopardizing the future of payments in lieu of taxes(PILT). Commissioner Bevan Wilson gave an overview of the intent. For some time we have seen a need in the County to create a fund so that entities such as cities, special districts, building authority, water conservancy district could have a pool of money that they might draw from to subsidize various projects throughout the county. This would enhance and leverage their in kind and local monies that they have identified for their individual projects.

The Commission is proposing that a citizen's board or commission be formed to deal with the

funding of various capital improvement needs in the County. This Board would receive 15% of the mineral lease funds from Emery County Special Service District #1 through an interlocal agreement between the Emery County Special Service District # 1 and the Emery County Capital Improvement Board. The Board would receive applications from eligible recipients and allocate funds to be used to leverage other funding sources. The funds will be allocated by the Board in the form of grants to qualifying projects. The general uses would be as prescribed by State Law. It is important to note that the funds are not considered for debt service or operating and maintenance expenditures due to the uncertainty of the source.

The Board would be made up members from those organizations who are eligible to apply for funds. They are recommending that there be two board members at large from the County to bring objectivity to the decisions. This would be an eight member board. The chairman would be elected from within the group, leaving a seven member voting quorum. It is suggested that no Commissioner be seated on the ECCIB in order to protect PILT Monies.

The ECCIB will create their own bylaws, purpose statement, and procedural outlines, in accordance with this general outline, once they are created then approved by the Emery County Commission.

The E.C.S.S.D.#1 would be changed to a multi-use district by Commission Resolution so that it can continue to be a legal recipient of the mineral lease money and to assure that all uses of the mineral lease money used in the County is according to the intent of the law.

Eligible recipients would be: Incorporated Cities, Castle Valley Special Service District, Emery Water Conservancy District, Municipal Building Authority of Emery County, Emery County Recreation District, Emery County Fire District.

Eligible projects categories as prescribed by State Law are: Water, sewer, drainage, flood control, garbage, health care, transportation, recreation, fire protection and street lighting.

The Emery County Capital Improvement Board would receive applications from eligible applicants. The Board will review the proposed projects for conformance to the prescribed eligible uses and prioritize the projects based on available funds. Funding will be allocated twice a year, March 1 and September 1. The ECCIB will meet to receive applications in January, February, July and August. It is intended that the applicant will not receive more than 50% of its share of the project costs.

Emery County Attorney David Blackwell has been working with the Commission on the legalities of making this entity. Mr. Blackwell went into detail on the legal ramifications of the proposed creation of ECCIB. Some of the problems brought to the Commissioners attention were the duplication of services, overlapping of boundaries and financial independence. One big problem is that there are four districts with specific restrictions, that have to be complied to or

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lose the PILT monies. After much discussion and input from those interested parties present, it was decided to forgo any further discussion until they could meet with Mark Walsh, the Associate Director of UAC. It was the consensus of those in this public hearing that this is a good concept, but we need to work out the bugs.

A motion was made by Commissioner Kent Petersen to come out the public hearing. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

MACK HUNTINGTON, PLANNING COMMISSION, PRESENTATION OF AMENDMENT TO TEXACO LARGE SCALE SITE PLAN.

Mac Huntington of the Planning Commission reported that Texaco Exploration and Drilling has made a presentation to the planning commission to amend their original large scale site plan for their gathering system and dewatering system near Orangeville. The planning commission has considered their presentation and approved their amendment to their site plan. The public process now requires the planning commission inform the Board of County Commissioners what they have done and recommend the County hold a Public Hearing to amend their application for an amendment and then act on it. The Planning Commission has been meeting with them for a couple of months and they have responded with everything the Planning Commission has asked them to do. The industry is willing to go through the public process again, which is required by the Zoning Ordinance as it states, 'A site plan approval may only be amended by the same process by which it was created.' It was Mr. Huntington's suggestion that the County Commissioners should hold a Public Hearing. The Commissioners decided on March 19, 1997 at 6 p.m. the date and time for the Public Hearing and would give them plenty of time to advertise said meeting in the newspaper. A motion was made by Commissioner Kent Petersen to set the Public Hearing to amend the application to the Texaco Large Scale Site Plan on March 19, 1997 at 6 p.m. Clerk/Auditor, Bruce Funk will get with the Planning Commission to get the wording for the advertising of the Public Hearing. The Planning Commission will conduct the Public Hearing. After these clarifications the motion to set the date and time for the Public Hearing was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

CITIZENS CONCERNS

Sheriff Lamar Guymon informed the Commission of the San Rafael Mountain Bike Festival on April 25, 26, & 27 and asked for Commission support and approval. Commissioners confirmed their support and approval of this event.

(9)



APPROVAL OF BUSINESS LICENSE.

This was tabled until the business license is available.

(10)

CONSIDERATION AND APPROVAL OF RESOLUTION 2-19-97B CREATING THE FACILITY MAINTENANCE DEPARTMENT AND TO PROVIDE FOR THE TRANSFER OF FUNDS TO THIS BUDGET.

Clerk/Auditor, Bruce Funk presented to the Commission for their consideration Resolution 2-19-97B which is to create a new department in the Road Department for the purpose of paying Lance Farmer. Mr. Funk explained the transfer of funds from Personnel and Capital Projects to the newly created department to cover the necessary expenses. The Commissioners discussed the importance of having this department and the services of Lance Farmer in the County. A Motion was made by Commissioner Kent Petersen to accept Resolution 2-19-97B. It was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

LIGHTING ON HIGHWAY 29 AT STATE ROAD 57

The Commissioners have received a request from users of the road at the overpass junction on the haulage road on Highway 29 at SR 57. They are asking for lighting on this road. The Commissioners asked Road Shop Supervisor, Rex Funk to research into that possibility. Mr. Funk checked with Kleston Laws from UDOT District 4 who indicated that they do have a program in place. The County, if they would like to, would enter into an agreement with UDOT who would provide the lighting and we would have to arrange with PacifiCorp to have the billing process set up to the County. The Commissioner's concern is that these are not County roads. Commissioner Bevan Wilson's comment was that if we are going to be paying for lighting on roads it should be for County roads, so he doesn't support this idea. After some discussion on the matter Commissioner Kent Petersen motioned to move on to the next item.

(12)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Supervisor, Rex Funk visited with Dave Harrison from Design West concerning the Professional Building. It was the opinion of Mr. Harrison that a structural engineer would not be needed. The building can be pulled away from the other existing building. There would need to be some plaster and paint cleanup afterwards.

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Mr. Harrison also discussed the possibility of asbestos in the courthouse excavation of the old boiler and pipes. They want to do some checking and at least rule it out as a possibility. They don't anticipate a problem with this.

Mr. Funk met with Howard Tuttle of Johansen & Tuttle concerning the drainage issues in the County. They looked at the Cottonwood and Ferron Creek and the flood projects. It appears that the Main Street Bridge, CreekView Park and the County levy in front of Cottontree Apartments in Orangeville are in peril. If the amount of water that is anticipated to come down the creek were to come down there could be big problems. They are slowly releasing water in Joe's Valley to try and control that potential problem.

The estimate on the Green River Road Shop asbestos removal is at around \$20,000.00. Mr. Funk has a bid from one of the individuals who is in that type of business who went with them to do the estimate. His bid is \$13,000.00 to remove the asbestos. This would be apart from the demolition of the building as they are two separate issues. By law you have to abate the asbestos first. If they demolish the building then the only asbestos abatement will be from the boiler and pipes which will have to go into the asbestos pit and the rest of the building can stay intact and become demolition materials and won't need to go into the asbestos pit.

Rex Funk recommends putting together a bid schedule for the abatement and demolition of the Green River Road Shop and the Professional Building in Castle Dale. To get the correct wording for the bidding process it was suggested consulting with Johansen & Tuttle Engineering and Tom Smith of DPR.

It was the consensus of the Commissioners to get started on the bidding process for the demolition of these two buildings.

(13)

APPOINTMENT TO THE RECREATION SPECIAL SERVICE DISTRICT.

Commissioner Randy Johnson presented a letter from the Mayor Daryl Wilcox of Elmo Town asking that they appoint Tom Hansen to represent Elmo on the Recreation Special Service District Board. There was a motion to accept the appointment of Tom Hansen to that Board by Commissioner Kent Petersen. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

FOLLOW-UP TO FUNDING REQUEST FOR "WAR ON DRUGS" PROGRAM.

Commission Chairman Randy Johnson's recommendation at this time is to consider granting the

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“War on Drugs” program money out of the dues & contributions to assist them in this program and not take money out of the alcohol program until we have evaluated that fund and how it can be used and what the county may set as its objective for the future of that fund. Commissioner Bevan Wilson made a motion to grant \$250.00 from dues & contributions towards this program, motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)

REVISIONS TO EMERY COUNTY TRAVEL POLICY

In looking at the Emery County Travel Policy Commission Chairman Randy Johnson noted that the policy says, concerning lodging, ‘In so far as possible travelers will use lodging arrangements made by the County. Actual cost not to exceed \$65.00 for out of state lodging and \$45.00 in all areas of the state except Salt Lake City which should not exceed \$50.00. It is difficult to find safe housing in Salt Lake City for \$50.00 and almost impossible in other places like Washington DC to find safe housing for \$65.00. He proposes having Emery County Attorney David Blackwell look the policy over and address this problem. He suggested we stress the need to keep receipts and do our very best we can to find the least expensive housing whenever we travel. Commissioner Kent Petersen discussed the per diem and that he preferred reimbursing from receipts and to keep their costs reasonable. Clerk/Auditor Bruce Funk remarked that he was sure that they had gone over these same issues before and had rewritten the policy to make it more vague. The Commissioners thought that it had been done before also. Commission Chairman Randy Johnson assigned Emery County Attorney David Blackwell to look into the Travel Policy and see if there is an updated version and if not rewrite it with the changes according to discussion here today.

(16)

RESOLUTION 2-19-97C AMENDING RESOLUTION CREATING ECSSD#1

Emery County Attorney David Blackwell found errors in the boundary descriptions of the resolution which created District #1 which needed correction. Commissioner Kent Petersen made a motion to approve Resolution 2-19-97C with the amended corrections. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to accept the previous Commission Meeting minutes dated February 5, 1997 with the noted corrections. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)  
COMMISSION REPORTS

**Bevan Wilson**

Commissioner Bevan Wilson received a letter from The Emery County Water Conservancy District concerning the snowpack and the slow release of water from Joe's Valley Dam. He expressed concern for the ice fisherman having the ice dropped from under them. He is in support of Orangeville City's levy request which is going to PCIB for grant funding. Mayor Tom Humphrey and Emery County Road Supervisor request flood mill money.

Driver license division has their new schedule ready. They are proposing to be here two days a month. They will be here on the second and fourth Wednesday of each month. They will be in Green River two days out of the year. Commission Chairman Randy Johnson will write a letter to them thanking them for keeping us at 2 days a month.

**Kent Petersen**

Commissioner Petersen reported on Mike Dmitrich's bill SB12 that was passed which contains language to protect water that is impacted by coal mining. Brad Johnson's bill HB174 also passed which gives protection to the irrigation companies and gives immunity to dam owners. He will take care of the concerns in Ferron in regards to the Ferron Dam.

Commissioner Petersen also reported on the transportation money list, the funding for road projects and the Centennial Fund which provides funding for passing lanes on Highway 6 from I-15 in Spanish Fork to the Summit and from the Summit to Helper.

**Randy Johnson**

Commission Chairman Randy Johnson reported to the Commission on Paul Hatch, the lobbyist hired by UAC to work with Governor Leavitt on legislative issues concerning Utah. The County's portion of his expenses will be \$316.42. Commissioner Kent Petersen made a motion to pay UAC for Emery County's portion of Paul Hatch's expenses. Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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OTHER BUSINESS

A motion was made by Commissioner Kent Petersen to cancel our membership in Multi County Computer Trust. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

There was discussion on the Internet lines that will connect the Sheriff's Department and the Road Shop to the Internet. There was a request to have the \$4.00 per pole fee waived which was denied. The contract must be signed before the lines can be hung. The Commission decided to table this signing until they have a chance to read the contract.

(19)  
ADJOURNMENT

Motion to adjourn meeting at 8:00 p.m. was made by Commissioner Kent Petersen, Seconded by Commissioner Bevan Wilson 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

March 5, 1997

Present at the meeting was Commissioner Kent Petersen, Bevan Wilson; County Attorney David Blackwell, Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 9:00 a.m. by Commissioner Kent Petersen. Commissioner Kent Petersen as acting Commission Chairman excused Commission Chairman Randy Johnson who is out of the County on Commission business.

(1)

BLM REQUEST FOR SUPPORT FOR AMERICORP GRANT APPLICATION FOR CLEVELAND LLOYD DINOSAUR QUARRY UPGRADE /EXPANSION.

Penny Dunn, of the BLM reported on the Cleveland Lloyd Dinosaur Quarry. The quarry recently incurred several thousand dollars in damages due to vandalism. To this end a committee has been formed to create an influx of new life to the quarry. They have located a possible grant through Americorp for \$100,000.00 that would be split with Carbon, Emery and San Juan Counties. Carbon County is also very interested in improving the Cleveland Lloyd Dinosaur Quarry recommending about 60% of the grant go toward the quarry. The local entities would then be responsible for matching a portion of the grant. This match would be about \$17,000.00. To help in this endeavor the BLM plans to charge a modest fee from the visitors to the quarry which will generate about \$12,000.00 leaving \$5,000.00 of the matching amount needed. Rosann Fillmore, of Castle Country Travel Region has offered to help with a grant for the remaining \$5,000.00.

Ms. Dunn is asking the County to enter into a Cooperative Management agreement with the BLM in managing this site under this Americorp grant. The County will help in training of workers, in kind work and administering the funds in conjunction with Castleland RC&D. At this point, they are seeking support from the County in the form of a letter to be sent with the grant to Americorp to make the grant look more favorable.

Commissioner Bevan Wilson made a motion to approve the Cooperative Management Agreement upon approval of a legal council. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(2)

JEFF KELSEY, INTERMOUNTAIN BENEFIT ADMINISTRATOR

Intermountain Benefit Administrators Regional Manager, Jeff Kelsey introduced himself to the Commissioners and expressed his desire to serve the County in the same personable way as his predecessor Gordon Hillier. Mr. Kelsey gave a report on the condition of the County's Insurance Fund which is healthy and growing due to the reduction in claims. He also addressed the Amendment to the policy discussed in the last Commission Meeting.

(3)

POLLYANNA ENKE, REQUEST CONSIDERATION OF ABATING BACK TAXES

Mrs. Enke asked to have her 1993, 1995 and 1996 interest on property taxes abated so she could have them paid off sooner and avoid having their home on the May Tax Sale of 1998. Her husband was injured this February in an accident and because of unemployment have had a substantial loss in income. Because of the law requiring current year taxes to be paid first, she is unable to pay on the 1993 taxes until she has paid the 1995 and 1996 taxes first. Because there's no immediate danger of losing the home, the Commission suggested the party get with the Treasurer's office to make arrangements to make payments on the 95 and 96 taxes and then come back and ask again for consideration of abating the interest on the 1993 taxes. Mrs. Enke thanked the Commissioners. The Commissioners wished for a speedy recovery of Mr. Enke.

(4)

CITIZENS CONCERNS

Cassie Jones of Huntington, as a part of her requirement for her Proficiency Award in Agricultural Communications, is requesting to make a speech before a governing body of the County. The title of her speech was "Is Utah Becoming Uncle Sam's Illegitimate Step Child?" The Commissioners commended Cassie for an outstanding presentation and requested a copy of her speech.

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(5)

TRAVEL BUREAU APPOINTMENTS

The Commission received a letter from the Emery County Travel Bureau, informing them of Warne Linton and Gary Stevens resignations as board members. Several names were discussed to fill the vacancies. After some discussion it was the consensus of the Commission to fill those unexpired term vacancies with James Nelson of Castle Dale and Barbara Funk of Ferron. Commissioner Bevan Wilson made a motion to appoint James Nelson and Barbara Funk as Board members of the Emery County Travel Bureau. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

SOUTHEASTERN UTAH HEALTH BOARD REPRESENTATIVE

Jon Crawford has resigned as Emery County representative on the Southeastern Utah Health Board. The Board is recommending Kent Wilson to fill that vacancy. Commissioner Kent Petersen made a motion to appoint Kent Wilson to be Emery County's representative on the Southeastern Utah Health Board. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

EMERY COUNTY MUNICIPAL BUILDING AUTHORITY BOARD APPOINTMENTS

The Commission has talked with Jerry Mangum recognizing he would be an asset to the MBAEC Board with his background in plumbing and having worked on several projects. Commissioner Bevan Wilson made a motion to appoint Jerry Mangum to the Emery County Municipal Building Authority Board. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

APPROVAL OF BUSINESS LICENSE

A motion was made to accept the business license for "MYCO" in Huntington by Commissioner Bevan Wilson. The motion was seconded by Commissioner Kent Petersen and approved by all members present.



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(9)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Supervisor Rex Funk reported on the status of the Green River Road Shop demolition. In regards to the power lines at the Landfill, he would like to give them the go ahead to proceed on that project. The original bid for this project was \$57,400.00. However, they have met with some problems with the power lines. They had to make revisions for raptor control and lines underground to avoid the existing lines. These revisions will add approximately \$10,000.00 to the contract. With the modifications the contract is approximately \$67,000.00. A letter will be written to the contractor TPC stating the proposed bid amount plus the revisions, awarding the contract to them. The estimated budget amount was \$86,000.00. Not included in that estimated budget was the primary metering from UPL which is \$10,437.00. Another additional cost will be the supervision by UPL during the installation at a cost estimate of \$3,500 to \$4,000.00. This supervision will insure the possibility of selling the line back to Utah Power in the future because they know it was put in to their standards.

Commissioner Kent Petersen made a motion to OK the project and authorized Commissioner Bevan Wilson to sign the notice to proceed and any additional forms needed to expedite this project. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

REQUEST TO INDEMNIFY COMMISSIONERS

Emery County did not renew with Heritage Management in management of the Emery County Nursing Home and as a result they are suing the County. They have now named each Commissioner individually in the suit. Anytime a County employee or official is named in a suit they must request the Commission to authorize the County to defend them.

(11)

APPROVAL OF RESOLUTION 3-5-97 INDEMNIFYING THE COMMISSIONERS

The Emery County Commissioners requested approval of Resolution 3-5-97, indemnifying the Commissioners so they can receive a legal council in the suit before them. Commissioner Bevan Wilson made a motion to accept the request of the Commissioners and approve Resolution 3-5-97 indemnifying the Commissioners. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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Commission Chairman Randy Johnson was absent from this meeting and will sign the resolution upon his return.

(12)

FLOOD CONTROL PROJECTS

Addressing the flood concerns for the 1997 season was Howard Tuttle and Craig Johansen of Johansen & Tuttle Engineering, Emery County Road Supervisor Rex Funk, Commissioner Kent Petersen and Commissioner Bevan Wilson. They discussed the areas where some preventive maintenance should take place. It was suggested to set a policy of how to react to the emergencies as they occur. It was agreed by all that public safety and homes have top priority. Howard Tuttle gave a synopsis of the Creeks in the County and the potential for flooding and damage. He provided a draft copy of the problem areas to all concerned. They reviewed the draft and discussed the problem areas. They suggested having Bryant Anderson of Planning Zoning attend the Flood Meeting on March 10, 1997 to go over the Emergency Preparedness Plan with those in attendance. They discussed the others who also need to be in attendance at this meeting.

(13)

REQUEST OF DONATION FOR ANNUAL SCHOOL ON ALCOHOLISM & OTHER DRUG DEPENDENCIES

The Commission received a letter from Emery Jones requesting help in sending Emery High students to the Annual School on Alcoholism & Other Drug Dependencies at the University of Utah. Sheriff Guymon has helped him with Drug Seizure money in the past. Sheriff Guymon was not present, but left word that he would be willing to donate \$600.00 out of Drug Enforcement Miscellaneous. Commissioner Kent Petersen made a motion to approve the request for donation to send Emery High students to the Annual School on Alcoholism & Other Drug Dependencies. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

ASBESTOS INSPECTION OF COURTHOUSE BY JBR ENVIRONMENTAL CONSULTANTS.

JBR Environmental has finished their inspection of the courthouse and found some friable asbestos in the crawlspace. It was determined any asbestos contaminated soil could be removed. Tom Smith of JBR while inspecting the building, found that the vinyl flooring in the break room upstairs, downstairs and in front of the sink in the

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conference room had contained a small amount of asbestos under the vinyl.

The Commissioners have a bid from Thermal West of \$4,500.00 to remove the contaminated soil in the crawlspace under the courthouse plus an emergency bid of \$350.00 to remove the flooring. Commissioner Bevan Wilson made a motion to accept Thermal West's bid and execute a contract to remove the contaminated soil in the crawlspace and the flooring in the three locations mentioned. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

While discussing the vinyl in the courthouse, Pat Snowball made some suggestions regarding the break room usage and some needed changes. The Commission suggested she form a committee and make some plans and put it down on paper. Commissioner Kent Petersen made a motion to look into the changes. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS

Clerk/Auditor Bruce Funk presented to the Commission for their consideration Warrant/Check Edit List # 98435 through and including #98565 for payment.

The following requisitions were presented for Commission consideration.

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
20-97	Jet Direct Box-Data Proces.	\$480.00	
Approved			
21-97	8 printers-Library	2,560.00	
Approved			

Additional claims presented for consideration was the War-on-Drugs claim for \$250.00 and a claim for printers for the Library to Omni-Com/Joel Dorsch for \$2,560.00.

A motion was made by Commissioner Bevan Wilson to approve the Warrants for payment and requisitions for purchase. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Discussion on the disposition of 30 beds at the Nursing Home (surplus beds that don't meet code). They would like to get them out before remodeling begins. The beds will

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have to be disposed of in the normal procedure manner which is at the County Auction. There was also discussion on upgrading the House at the Nursing Home. The Commissioners suggested sending Lance Farmer out to the house to see if he can assist in the installation of the sheetrock in the basement ceiling. Mr. Scott Theurer is to be paid for work done by himself rather than deducting the cost from the rent.

(16)

PERSONNEL ITEMS

Assessor's Office

Request approval to post notification of the intent to fill the position of Assessor III, Grade 9. This will be a 3/4 time position, eligible for prorated benefits. Policy prescribes that "All Level III or higher will be posted 'in-house' for at least five (5) working days prior to the department beginning the selection process." Jim Fauver, in discussing this with the Commission subsequently decided to give Annette Allen a two (2) step increase from 6F, \$8.96 per hour to 6H, \$9.31 per hour retroactive to January 1997. Commissioner Kent Petersen moved to accept moving Annette Allen to 6H, \$9.31 per hour retroactive to January 1997. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Hold Harmless Agreement

UACIM has advised Emery County that obtaining a Hold Harmless Agreement as we work with other agencies and under certain circumstances is a wise thing to do.

Pat Snowball, Personnel Director has been advised that Active ReEntry's PERKY program hires drivers to take patients (cancer) to their treatments. They use Emery County vans to carry Emery County patients and hire Emery County residents as drivers who pick up Emery County residents first, but they are not on active ReEntry's payroll until they reach Carbon County.

The question she was asked regarding this practice is if there was an accident with serious injuries or fatalities in Emery County and the drivers weren't on Active ReEntry's payrolls, i.e., identified as Active ReEntry employees--who would have the liability? Active ReEntry or Emery County?

UACIM coverage stipulates if the Participating Member County gives permission for the vehicles to be used "for or on behalf of a Participating Member County and within the scope and permission thereof. " The county is covered.

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However, to "spread the assumption of risk around," the Hold Harmless Agreement would help.

Maughn Guymon of Area Agency of Aging and Nutrition offered to get the agreement signed. She suggested having the County Attorney David Blackwell review the agreement to make sure it's the way we want it to be, and then get it to Maughn Guymon to be signed.

RSVP

Interviews for the position of RSVP Coordinator in Grand County were done in Green River on February 26th. Carolyn Randall recommends hiring Mary Slovensky, a resident of Moab, for the position. Upon approval she will begin March 6th at Grade 4 Step A \$7.43/hr. This will be part time, less than 20 hrs/wk position. Commissioner Bevan Wilson made a motion to accept the hiring of Mary Slovensky. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Road Department

Jerry Cline, who is an equipment operator, has been on a sick loan for some time now and is out of sick time. Pat Snowball suggested to him that because he is unable to return to work due to his condition, that the best thing for him to do is request family and medical leave. This would give him twelve (12) weeks of unpaid job protected leave and would insure that his insurance continues during that leave. The recommended time that it start is March 3rd through May 26th. She went to Green River and visited with him and went over some of the options available to him. He has applied for disability and is trying to work things out. However, it is the County's hope that he will return to work. She asks for the Commission's approval on the family and medical leave for Jerry Cline. Commissioner Bevan Wilson moved to approve this action, Commissioner Kent Petersen seconded and it was approved by all members present.

(17)

PREVIOUS COMMISSION MEETING MINUTES

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Commissioner Kent Petersen suggested deferring the approval of the previous meeting minutes dated February 19, 1997.

(18)

EXECUTIVE SESSION

A motion was made by Commissioner Bevan Wilson to adjourn the regular Commission Meeting and move into Executive Session at 12:05 p.m.. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Present at Executive Session was Commissioner Kent Petersen, Commissioner Bevan Wilson, County Attorney David Blackwell, Personnel Director Pat Snowball and Deputy Clerk/Auditor Carol Cox.

Pending litigation was discussed.

(19)

RESUME REGULAR COMMISSION MEETING

The regular Commission meeting resumed at 12:14 p.m..

(20)

ADJOURNMENT

Motion to adjourn the meeting at 12:15p.m. was made by Commissioner Kent Petersen seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_

CHAIRMAN: \_\_\_\_\_

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

**March 19, 1997**

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson; County Attorney David Blackwell, Sheriff Lamar Guymon and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 4:00 P.M. by Commission Chairman Randy Johnson.

(1)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTIONS

County Personnel Director, Pat Snowball is requesting one step merit increases for Leslie Bolinder, Sr. Administrative Assistant, Commission Office, from 14E \$983.20pp(\$12.29/hr) to 14F \$1003.20pp (\$12.54/hr) and also Terry Williams, Deputy III Clerk/Auditor's Office, one step from 9F \$10.16/hr to 9G \$10.36/hr. Commissioner Kent Petersen made a motion to approve the merit increases for Leslie Bolinder and Terry Williams. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The Sheriff's Office is requesting approval to hire John Barnett from the current roster of applicants as a Dispatch I at a rate of Grade 10 Step A \$9.95/hr, effective March 20, 1997. Commissioner Bevan Wilson made a motion to approve hiring John Barnett as requested. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Presented for the Commission's consideration and approval is a letter of understanding from Brinton-Banyai Corporation, human resources consultants, to do an evaluation of job descriptions and wage/salary survey for Emery County. The project will begin on or before April 1, 1997 and be completed on or before September 15, 1997. Brinton-Banyai agrees to complete these services for the greater of \$7,500.00 or \$100.00 per job description, with a maximum fee of \$9,000.00. After some discussion, a motion was made by Commissioner Kent Petersen to approve the hiring of Brinton-Banyai Corporation for this project with the stipulation that the cost not exceed \$9,000. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.



(2)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS

Clerk/Auditor Bruce Funk presented to the Commission for their consideration Warrant/Check Edit List #98762 through and including #98933 for payment.

The following requisitions were presented for Commission consideration.

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
22-97	Printer -Corrections	\$ 399.95	Approved
23-97	VCR Editor	1,400.00	
	VCR-Sheriff/Lab	391.00	Approved
24-97	32" T.V.-Sheriff/Lab	549.99	Approved
25-97	Fiber Optic Cable System Between Courthouse & Sheriff's Office-Sheriff	6,841.68	Approved
26-97	1997 Dodge ½ Ton Truck	25,902.00	
	1996 Dodge Caravan - Trade-Ins-Sheriff	21,534.00	Approved * With condition

Sheriff Guymon explained the trade-ins anticipated with the purchase of the ½ Ton Truck and the Caravan. Commissioner Bevan Wilson made a motion to approve the payment of the Warrants and the purchase of requisitions with the condition that Sheriff Guymon confirm and provide proof that he is getting the maximum value of the vehicles for trade-in. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

COURTHOUSE HVAC SYSTEM RENOVATION AND CONSIDERATION AND APPROVAL TO SIGN A191 STANDARD FORM OF AGREEMENT BETWEEN OWNER AND DESIGN/BUILDER.

Commissioner Kent Petersen reported on his meeting with David Harrison, Project/Manager for Design West on the renovation of the courthouse. Everything is running on schedule. He will be meeting with him every Monday morning for a briefing on the progress of the project. There was discussion on the cost of the construction management and architect. Thermal West is finished with the asbestos abatement. It was the consensus of the Commission to accept and sign the A191 Standard Form of Agreement between Emery County and Design West. Motion to accept and sign the agreement was made by Commissioner Kent Petersen and seconded by

Commissioner Bevan Wilson and approved by all members present.

(4)

VAL PAYNE, PUBLIC LANDS DIRECTOR, UPDATE ON LAND ISSUES.

Val Payne, Public Lands Director updated the Commissioners on activity since the last Commission meeting. He submitted comments regarding the BLM Law Enforcement Rules. The deadline for that comment was March 7, 1997. Immediately following the close of that comment period Secretary Babbitt directed the BLM to withdraw the proposed rules because of the concerns that were raised by the western states. Secretary Babbitt was aware of that controversy well before the closing of the comment period but wanted to wait until everyone jumped through the hoops. The unfortunate thing is it has put a stop to Congressman Hansen's intention to hold hearing before the Natural Resource's Sub-Committee. Mr. Payne's final statement in his comment letter was that Congress should hold hearings to determine the legal authority that BLM has regarding the proposed rules.

Mr. Payne and the Planning Commission submitted written comment regarding the BLM Ferron Natural Gas EIS Scoping Process.

Regarding RS2477 Roads he attended a Canyon County Partnership Forum Meeting wherein road issues were discussed. The discussion in that meeting involved BLM's flexibility with regard to addressing RS2477 Road issues. It was indicated that under the current regulations there's not much BLM can do. After visiting with Bill Howell of AOG, they have both agreed the existing regulations may afford more flexibility than what was represented in that meeting. Mr. Howell is developing a letter to BLM to raise that question and will provide the letter to us for review before it is submitted.

In the last Lands Council meeting they received information from BLM regarding their fire management plans. It is the BLM's intent to use fire as a management tool. They will identify areas where if a fire starts naturally it will be allowed to burn or other areas where they will put it out. The Forest Service is of the same opinion. They held a public meeting in Ephraim, which Mr. Payne attended, wherein the Forest Service presented information regarding the effects of loss of aspen and replacement by conifers on other resources including surface waters. Mr. Payne invited the Forest Service to bring their presentation to Emery County which they indicated they would be willing to do. Mr. Payne will be coordinating this through the Public Lands Council.

Mr. Payne reported on the Public Lands Council Interim Committee regarding the water and mine issues. The water replacement legislation was passed by the legislature this session and was signed by Governor Leavitt on February 26, 1997. The next step is rule making. The Division of Oil, Gas and Mining will be starting that process. Mr. Payne relayed some of the advantages and disadvantages this will cause for water users and some points of interest

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concerning this legislation.

He will be attending a meeting held monthly in Price with BLM, Forest Service, Division of Wildlife Resources, National Resource Conservation Service, Carbon County and Emery County. This is improving the efforts to know what the agencies are proposing and to be a part of the planning process from the beginning.

Regarding the Americorps Grant for the Cleveland Lloyd Dinosaur Quarry Project, the grant application was filed on time and they don't expect a response until early June. San Juan officials have asked that we set up a meeting between Emery, Carbon and San Juan County officials to discuss the overall grant. San Juan County is committed to their identified use of that grant money to the extent that if the Americorps Grant is not approved, they want to go ahead with their plans anyway. They want to discuss some alternatives for funding, separate from the Americorps Grant. San Juan County Commissioners have requested, through Bill Howell and the Association of Governments, obtaining copies of Emery County's MOUs with the Forest Service and BLM, because they feel it is a good way to deal with the federal agencies. Mr. Payne asked for permission to copy these documents and forward to Bill Howell, who will forward to San Juan County. Commissioner's Johnson, Petersen and Wilson all agreed to his request.

The proposed Wilderness Management Rules comment deadline has been extended to mid April and he is preparing additional comments as well as comments regarding Mineral Management Service Proposed Rules.

(5)

CONSIDERATION AND APPROVAL OF FY97 INTERLOCAL  
COOPERATION/CONTRACT AMENDMENT AGREEMENT BETWEEN EMERY COUNTY  
AND THE SOUTHEASTERN UTAH AREA AGENCY ON AGING.

The agreement reflects a change from last year in the budget figures as a result of the change in monies the agency received from the state. Director Maughn Guymon was not present at the meeting but had indicated to the Commission that he was comfortable with the amendment. Commissioner Bevan Wilson made a motion to approve the amended agreement between Emery County and the Southeastern Utah Area Agency on Aging. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

1997 MAY TAX SALE

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Clerk/Auditor Bruce Funk proposed May 29, 1997 at 10AM inside the front entrance of the courthouse for the 1997 May Tax Sale. Commissioner Kent Petersen made a motion to approve this proposal. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

ADVERTISEMENT FOR BIDS TO PERFORM TITLE SEARCH ON PROPERTIES  
CONSIDERED FOR MAY TAX SALE.

Commissioner Kent Petersen made a motion to approve the soliciting of bids to perform title searches on the properties considered for the 1997 May Tax Sale. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

RIGHT-OF-WAY OF PROPERTY ADJACENT TO EMERY COUNTY NURSING HOME.

The county purchased property from Randy Menser just east of the Nursing Home. The right-of-way with that piece of property was not included in the deed when the land was purchased. The 30 foot right-of-way is still in Randy Menser's name. The property taxes have not been paid for five years and is due to be sold at the May Tax Sale. After some discussion, County Attorney David Blackwell was given the assignment to follow-up on this issue.

(9)

ROAD DEPARTMENT /LANDFILL ITEMS

A. Consideration and approval of electrical service agreement with UP&L for  
landfill power line.

Road Supervisor, Rex Funk presented a service agreement document amounting to \$10, 437.00, to pay for the electrical hook-up going to the landfill, for Commission approval. Commissioner Bevan Wilson made a motion to sign the agreement with Utah Power & Light. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

B. Review bids for asbestos abatement of Green River facility.

Supervisor, Rex Funk attended the Green River Shop Asbestos Abatement bid opening held at JBR Consultants in Salt Lake City. All bidders were in attendance. The low bidder for this

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project was Thermal West at \$13,520.00. Mr. Funk, as well as Tom Smith of JBR recommended accepting the bid from Thermal West.

C. Award bid for asbestos abatement of Green River facility.

Commissioner Kent Petersen made a motion to accept Thermal West's bid of \$13,520.00 and award them the contract for asbestos abatement at the Green River Road Shop. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Mr. Funk projects the project will be completed by May 30, 1997.

D. Other Business

The Department of Environmental Quality did their first on-site formal inspection of the processes at the landfill. The landfill received a commendation for the good conditions at the facility. No violations. They were very satisfied and pleased with the documentation trail. Emery County Landfill is in compliance with Federal regulations. Mr. Funk will be meeting with Clerk/Auditor and Commissioner Wilson regarding the April 9, 1997 deadline for Financial Assurance.

Mr. Funk added as a last note that Sheriff LaMar Guymon has requested lighting at the Gun Range. It was suggested that Rex Funk get with Sheriff Guymon and assess the needs for lighting at the gun range then add onto the contractor's cost of installing the power lines that additional amount to meet the need for power at the gun range.

(10)

APPROVAL OF BUSINESS LICENSE.

Clerk/Auditor Bruce Funk presented to the Commission a business license for Millsite Restaurant. This will be a change of owner and name from the previous year's name of Mattie's to Millsite. Commissioner Bevan Wilson made a motion to accept the change of name and issuance of business license for Millsite Restaurant. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

CLERK/AUDITOR BUSINESS

Clerk/Auditor Bruce Funk informed the Commission that as a result of separation of the Courts

from the Clerks Office and in arranging for phones, he found that the Juvenile Office and Adult Probation had not been billed by Emery County since July 1, 1995 for equipment, access and long distance calls to present. This could bring back to the County \$1,076.38 from AP&P and approximately \$954.50 from the Courts. It has also been determined that SUU Extension Office (Wes Curtis) and the Housing Authority (John Sehestedt) do not reimburse Emery County for equipment. Mr. Funk continued, that if they were taken off the system Emery County Courthouse would remain the same and suggests that the Commission include the phone equipment as part of the office. Both offices have their own lines for which they are billed for directly by Emery Telephone. Whereupon motion was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson to approve the inclusion of SUU Extension and Housing Authority phones as part of office space for the time being. The motion was approved by all members present.

In other business, James Nielson, Weed & Mosquito would like approval to purchase Federal Surplus property and suggest that he be added to the Sheriff's application or to apply himself for Federal Surplus Property. The Commissioners were all in agreement to include Weed & Mosquito with the Sheriff.

(12)

RATIFY EASEMENT FOR CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Castle Valley Special Service District and Castle Dale City are requesting Emery County to grant an easement for a sewer line behind the Professional Building in Castle Dale. This sewer line will service the businesses along main street, Johansen & Tuttle Office Building and Emery County Water Conservancy District. Commissioner Kent Petersen made a motion to ratify the easement to Castle Dale City. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

APPROVAL OF RECREATION DISTRICT BOARD MEMBER APPOINTMENT.

There are two vacancies on the Recreation District Board. Green River City is recommending Kayleen Fail to represent their city on that board. The Recreation District Board is requesting Bruce Wilson be appointed as an at large member to fill the remaining term of Leon McElprang (term expires 1/1/98). Commissioner Kent Petersen made a motion to appoint Kayleen Fail and Bruce Wilson to the Recreation District Board. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

**6:00PM PUBLIC HEARING- To receive public comments regarding the amended Texaco Large Scale Site Plan.**

Planning & Zoning Commission Chairman, Mack Huntington addressed the Commission and the public in attendance. He presented a copy of an application for an amendment to the Texaco Large Scale Site Plan which was approved for the Buzzard Bench area a year ago. The Industry was not able to be here for the meeting and Mr. Huntington has agreed to address any questions and comments. The Planning Commission staff has met with the Industry and approved the application. They have been cooperative to define the project for the County. The Planning Commission asked the industry to define the extent of the project. Texaco is requesting a maximum of eighty (80) wells. Mr. Huntington pointed out on a map the boundaries, position of wells and the process they are using to drill the wells. He reported on the various permitting requirements, permits and rights of ways for this project.

Commission Chairman Randy Johnson opened up the hearing for public comment.

A question was asked regarding plans for wells in Huntington Canyon. Mr. Huntington reported that the Industry would have to go through the process again and have a large scale site approval. They will start working on that permitting process this summer. They have not indicated any more than that. Planning & Zoning Commission Director Bryant Anderson reported on one of the preliminary job site plan investigations he has attended with one of the other oil companies. There was some discussion on the process required for the project. There was also discussion on the injection wells and the water use.

Val Payne, commenting on the large scale site plan approval, noted that when they get down to the specifics of the individual wells they will be submitting an application for a permit to drill. At this point the application will come back to the planning commission. This will have all the details. If they propose another injection well at some location, it will have to be identified in the application for the permit to drill. The same process will apply for Huntington Canyon.

Mr. Huntington pointed out that there will not be a significant amount of drilling on Federal lands for a least two years. It will take the BLM at least that long to complete their Environmental Impact Study and commercial activity cannot begin until the EIS is complete.

Commission Chairman Randy Johnson asked for any other questions or comments. Since there was no further discussion he proposed closing the public hearing. Commissioner Kent Petersen made a motion to close the hearing at 6:20 P.M.. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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CONSIDERATION AND APPROVAL OF AMENDED TEXACO LARGE SCALE SITE PLAN.

Commissioner Bevan Wilson made a motion to approve the amended Texaco Large Scale Site Plan. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(15)

CANYON COUNTRY PARTNERSHIP

Commissioner Kent Petersen reported on the Canyon Country Partnership. Being a member of that board, he relayed the difficulty in obtaining grants to keep the partnership operating financially. It appears that there may be a need for each member to contribute \$200.00 for the rest of this year and perhaps another contribution next year. He is not asking for a commitment at this time, but reserves this for another time. After some discussion it was the consensus of the Commission to look at this donation when requested.

(16)

APPROVAL TO HIRE NIELSON ELGGREN DURKIN TO ASSIST WITH PENDING LITIGATION.

Due to pending litigation, a forensic auditor is needed. Nielson Elggren Durkin is the CPA firm requested to assist Brent Armstrong in the Heritage Management litigation. Commissioner Kent Petersen made a motion to hire Nielson Elggren Durkin to assist in the pending litigation. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to accept the Commission Meeting Minutes dated February 19, 1997 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Kent Petersen made a motion to accept the Commission Meeting Minutes dated March 5, 1997 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)



COMMISSION REPORTS**BEVAN WILSON**

Commissioner Bevan Wilson reported on the flood meeting. It was very well attended. There were many helpful, informative reports presented. Road Supervisor Rex Funk and Howard Tuttle of Johansen & Tuttle presented a survey on the drainages in the county carrying live water. They identified the structures and facilities with the owners of such and the conditions of the diversions on the irrigation companies. It is the desire of those in attendance to stay on top of the potential flooding situations in the county. They have another meeting planned for April 14, 1997 at 1:00 P.M. in the Commission Chambers.

Reporting on the Transportation Sub Committee Meeting. Emery County will be submitting testimony on an application that was sent in requesting funding on the Goblin Valley Road (approximately 6.45 miles). In 1996 the State Legislature appropriated \$500,000.00 to assist with roads going into state parks with some additional funding appropriated in this last session that wouldn't become available until next budget. Commissioner Wilson is a member of the Joint Highway Committee and will be attending a meeting with them. He is hopeful we will receive an answer on the funding for Goblin Valley Road at that time.

**KENT PETERSEN**

Commissioner Kent Petersen reported on the Canyon Country Partnership Meeting of which he is a member. The subject of the meeting was roads. Kate Kittcel, Moab office of BLM said that they were willing to give Emery County Title 5 permits for at least their Class B Roads. Carbon County is willing to take the lead on this. He discussed some of the problems associated with this.

Mr. Petersen also commented on the four people from Utah that were put on the Monument Committee.

**RANDY JOHNSON**

Commissioner Johnson commented on the UAC Litigation Steering Committee meeting that he will be attending. They will be discussing the monument issues. With the help of Congressman Cannon they will be asking each county to contribute to that fund \$500.00 to \$1,000.00 to give them the ability to maintain and start. They will then move into donations from corporate entities and other entities so that the counties are not left with that budgetary requirement.

Commissioner Johnson also reported on Senator Stevens effort in which the senator has asked

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UAC to be involved in writing the RS2477 bill. It will address the issues and we will get to look at it before hand.

(19)  
OTHER BUSINESS

Commission Chairman Randy Johnson asked if we could get the floors covered in the break rooms and the conference room which were left bare from the asbestos abatement of the vinyl. Commissioner Kent Petersen made a motion to get the carpet committee, along with Leslie Bolinder, to pick out some vinyl flooring. The motion was seconded by Commissioner Bevan Wilson and approved by all.

The library has requested to have Lance Farmer help with projects with the library reimbursing the county for those services. The Commissioners will look into this and make a determination on this soon.

(20)  
ADJOURNMENT

Motion to adjourn the meeting at 7:00 P.M. was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson 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**

**April 2, 1997**

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, County Attorney David Blackwell, Sheriff Lamar Guymon and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 9:00A.M. by Commission Chairman Randy Johnson.

(1)

MEMORANDUM OF UNDERSTANDING BETWEEN EMERY COUNTY AND CLAWSON TOWN

Economic Development Director, Rosann Fillmore came before the Commission to discuss the possibility of creating an MOU between Emery County and Clawson. Clawson has applied for a \$12,000.00 Rural Community Assistance Grant from the Forest Service. They would like to put in a sprinkler system at the South entrance of their town. They intend to match the grant amount with in kind work. They need to have the sprinkler system installed before the in kind work can be done. Mrs. Fillmore suggested taking the \$12,000.00 to pay the contractor out of the Economic Development Grant Budget. Clawson can then do the in kind work, they can then bill the Forest Service and reimburse the County. There needs to be an MOU between Clawson and Emery County so they agree to do the in kind work and we can see that the work gets done. However, as she reported there is a question whether Clawson will be awarded the grant as Emery County has received a grant every time they have applied. She is not sure they have made a good enough case to show this will benefit the entire county. She agreed that nothing needs to be decided now. The Commission supports the actions of Clawson Town and after some discussion they agreed it was best to wait and see if they get the grant before deciding anything.

(2)

BEER LICENSE FOR RESTAURANT AT MILLSITE GOLF COURSE

Betty Kunze, Operator Millsite Restaurant requests approval to obtain a Class B Beer License. Her intent is to sell the beer to be taken off the premise (the building). Sheriff LaMar Guymon and Attorney David Blackwell looked over the application and agreed she needs a Class A Beer License. After some discussion on this matter it was the consensus of the Commission to

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approve the license contingent upon the required signatures and return to the Clerk/Auditor's office. Commissioner Kent Petersen made a motion to approve the above action and for Commission

Chairman Randy Johnson to sign the license upon its return. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

DAVE HARRISON, DESIGN WEST UPDATE ON COURTHOUSE HVAC RENOVATION

David Harrison, Design West has met with all the contractors and they relayed that they are ahead of schedule. The BAV boxes are not here yet. They will be shipped by mid April. This may be the hold up factor. The duct work is ready, just waiting for the boxes. Mr. Harrison detailed the activity for the next few weeks and the progression of the work being done.

(4)

CITIZENS CONCERNS

State Representative, Brad King reported on some of the new things going on in Congress. He noted that there have been fewer bills introduced than ever before. However, there were a higher percentage of bills that passed. Only about 10% of those bills dealt with any kind of a new law. Most of the bills were tuning up current law. He was assigned to work on the Business Labor and Economic Development Committee, Public Education Appropriations Committee and the Transportation Committee. He stated that it was an interesting year to be involved in Transportation citing the positive aspects for those of us living in Eastern Utah. In the proposed ten year plan there was \$28 million allocated in that budget to work on the road from Soldier Summit to Helper. \$5 million was allocated to SR10 to help on passing lanes and other things desperately needed. There was \$32 million allocated to the Utah County area. It was not enough to do the whole project but at least it's a step in the right direction. We are on their list. The thing we all need to do now is keep the pressure on to make sure that work is actually started the first four or five years of this plan. Anything after six or seven years will be suspect because the priorities of this state are going to change.

Another thing that would have greatly benefited our area was if we had we been able to get the reallocation of 15% of the money that's going to the CIB back to the counties. It would have been great for us to have a little more say over the money that is generated here in the producing counties. He will be helping to reintroduce HB next year and try to work with the Senate a little earlier to see if he can't get further support for that.

Mr. King detailed some of the things going on with property tax offsets, mineral lease funds and other rural issues. There was discussion on Class B Roads along with unimproved roads and the

amount of people from the Wasatch front who visit our area and complain about the roads.

The Commissioners expounded on Mr. Kings report along with other issues of their concern and thanked him for all his hard work on behalf of this area.

(5)

SHERIFF GUYMON, DISCUSSION OF VEHICLE PURCHASES

Sheriff Lamar Guymon presented to the Commission for their consideration, dispositions for several vehicles for trade in on two new vehicles. A 1997 Dodge Ram Club Cab Pickup to be used by the Sheriff and the other a 1996 Dodge Caravan for the Jail. This purchase has gone through the bid process. Clerk/Auditor Bruce Funk researched the trade ins to assure the best value for the county. The amount of the trade in is \$25,100.00. Sheriff Guymon discussed the available vehicles for trade to different departments, one being a car to the Nursing Home and a Dodge Ram Charger for Planning & Zoning. Weed & Mosquito is waiting for a vehicle also.

Sheriff Guymon also requested a new Snow Cat. However, he doesn't have any money for this purchase. The snow cat they have now is so old they can't find parts for it and as a result it is continually breaking down. They are not able to get to the TV tower. He has a letter from Brett Mills, County Communications Department, stating the problems he has encountered trying to maintain the TV tower and the mounting complaints of TV reception. With the new repeater sites coming on line this fall, there is a need to access these sites year round. Also, search & rescue for the county. The water companies and those people who need to get into the reservoirs would be enhanced by the availability of a snow cat. They would be welcome to use it for those purposes.

Commissioner Bevan Wilson relayed that the Weed & Mosquito Department has been looking for a unit to access the swamps for mosquito abatement. He discussed the possibility of finding a unit that could be used year round for all the needs of the county. After discussion on this matter it was decided to gather all the information and requirements for the type of unit needed. Sheriff Guymon expressed his desire to have a unit not accessible by other departments citing the problems with maintenance and accessibility. The Commission was in agreement that it is something that definitely needs to be looked into.

Another concern of Sheriff Guymon is storage. There is a need to store items taken off inventory waiting for auction and other expensive equipment. There was discussion on the needs of storage space for other departments who have expensive equipment being left outside exposed to the weather. The Commission concluded that they would investigate options for increasing county storage.

(6)

HUNTINGTON CITY'S REQUEST REGARDING INDUSTRIAL AREA PARTNERSHIP

Commission Chairman Randy Johnson read a letter from Huntington Mayor, Ray Martinez stating Huntington City's appreciation for the association they have shared in joint partnership of the industrial area. They feel at this point it would be best for all concerned if the partnership was dissolved giving one entity ownership to expedite decisions. The city would like to relinquish its share of the property in order to recoup its monies to be used for other expansion plans. Chairman Johnson felt it was important to look at how much each entity has invested in the industrial park and decide on the next steps. Rosann Fillmore, Economic Development Director relayed some pertinent information to the amount of money invested by both entities. The county paid \$54,000.00 for the land in November 1993. Huntington City has contributed \$47,000.00 in cash to the project and \$7,000.00 in trees and upkeep of the property. There is \$14,000.00 still in a trust fund that has not been spent. The State of Utah purchased approximately three quarters of an acre for \$2,900.00. This brings the total trust fund account to \$16,924.00. The Commissioners determined to meet with Huntington City and see what they want to do.

(7)

MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY BOARDMEMBER APPOINTMENT.

Commissioner Kent Petersen upon recommendation of the Municipal Building Authority made a motion to appoint Rey Lloyd Hatt of Green River to serve as a boardmember. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

NOMINEES FOR WORKFORCE SERVICES COUNCIL

It is the intent of the State to combine all the state agencies that deal with training people and getting them back to work. They have formed a Workforce Services Council to be made up of thirty-two (32) board members. They will be responsible for overseeing in one department all the available programs to people in need. In Southeastern Utah, which includes Carbon, Emery, Grand and San Juan Counties, sixteen (16) members will be appointed to that board with an equivalent number of members from the Uintah Basin. This will be the South East Sub-Regional Council and they will meet a few times throughout the year. The Region Title IV Director is Judi Chandley. Carbon-Emery Title III Director is Roger Sparks. They are interviewing Friday for the Emery Manager Title II Position with the same in Grand and San Juan Counties. Once they get those positions filled then they want the board in place so they can begin functioning by June or July. The Commission Office will have a summary of the program and the responsibilities of the members available for those who may be interested. It is the Commissions desire to submit

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names of those eligible persons willing to serve on this board to ensure representation from Emery County. Commission Chairman Randy Johnson recommended having Leslie Bolinder make a list of the positions on the board and get them out to the elected officials and others who might recommend names along with the names that the Commission recommends. The Commissioners want to have a good list of names to be considered by the next Commission meeting April 16, 1997 that can be narrowed down and approved.

(9)

ROAD DEPARTMENT/LANDFILL ITEMS

Road Supervisor, Rex Funk presented a State Surplus Application for signatures. Mr. Funk addressed the storage issue. He related the problems he has run into with the expansion of the new road shop and the problems he has encountered in moving out of the old shop and into the new one. There was discussion on this problems and some input from David Harrison, Design West, regarding the possible materials available for baffling the sound in walls and ceiling of the new shop. It was decided it is imperative to get the new shop ready so he can free up the old shop for storage.

In other Road Department business, Mr. Funk will be attending a preconstruction meeting on the Landfill power line. Asbestos abatement of the Road Shop in Green River will begin in the next two weeks. Demolition of the Professional Building is waiting for the bid package to be put together and is forthcoming.

Commissioner Kent Petersen received a call from Roy Pogue regarding the status of the bridge disposal in Woodside. There was some discussion as to the accessibility to the sheriff's department. County Attorney, David Blackwell will research the abandonment process and advise the Commission. The Commissioners set a date of April 30, 1997 to meet in Woodside to assess the process of abandonment of the bridge to Mr. Pogue.

(10)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS

Clerk/Auditor, Bruce Funk presented to the Commission for their consideration Warrant/Check Edit List #99166 through and including #99308 for payment.

The following requisitions were presented for Commission consideration.

<u>REQUISITION #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
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25-A-97 amended	97 Dodge Ram Club Cab 4x4 pickup/Sheriff 96 Dodge Caravan/Sheriff	\$ 25,300.00 \$ 21,534.00	Approved
26-97	TV/VCR for Courthouse	\$ 600.00	Approved

The following items were presented to the Commission for disposition.

- 1993 Grey Dodge Ram Charger fixed asset #210-5855, trade-in on requisitioned vehicles For the Sheriff's Department.
- 1993 White Dodge Ram Charger fixed asset #210-5080, trade-in on requisitioned vehicles for the Sheriff's Department.
- 1989 Dodge Ram Charger fixed asset # 210-5144, trade-in on requisitioned vehicles For the Sheriff's Department.
- 1993 Dodge Ram Charger fixed asset #210-5854, trade-in on requisitioned vehicles For the Sheriff's Department.
- 1990 Black Dodge Ram Charger fixed asset #210-5469, trade-in on requisitioned vehicles for the Sheriff's Department.
- 1992 Blue Dodge Ram Charger fixed asset#210-5055, trade-in on requisitioned vehicles For the Sheriff's Department.
- Desk, 24x42 5 drawer w/ middle drawer fixed asset #140-4264, transferred to Nursing Home (318-4264)
- File, 2 Drawer lateral fixed asset #142-4631, transferred to Personnel (140-4631)
- Bookcase, 4 shelf fixed asset #142-3429, transferred to Nursing Home (318-3429)
- Table, Western Media fixed asset #141-1057, transferred to Weed & Mosquito(622-1057)
- Table, computer fixed asset #142-4627, transferred to Library (580-4627)
- File, 2 drawer lateral fixed asset #142-4630, transferred to Personnel (140-4630)

Commissioner Kent Petersen made a motion to approve warrants for payment and the requisitions and dispositions as listed. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

In other business, Mr. Funk reported on the progress of the break room and conference room sub-floor and vinyl replacement. He has a bid of \$1,232.50 from Dennis Jones, Red Carpet Service for commercial grade vinyl and sub-flooring. The carpet committee has met and agreed that this needs some immediate attention and recommended accepting this bid. Commissioner Kent Petersen made a motion to proceed with the emergency replacement of the vinyl in the three areas. The motion was seconded by Commissioner Bevan Wilson and approved by all



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members present.

(11)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION

1. Amendment of the Health Insurance Plan

Pat Snowball, Personnel Director presented for consideration and approval an amendment dated January 1, 1997. The Health Insurance Portability and Accountability Act of 1996 requires that some of the wording in the COBRA section of the plan be amended. A motion was made by Commissioner Kent Petersen to accept the changes and sign the amendment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

2. Clerk/Auditor

The Clerk/Auditor's office request approval to confirm hiring Kristie Nelson, temporary up to 90 days, effective, March 13, 1997, at a rate of \$5.00/hr. Commissioner Kent Petersen made a motion to confirm the hiring of Kristie Nelson. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

3. Library

Green River Library janitor, Victoria Fletcher resigned March 19, 1997. Since Ms. Fletcher's resignation comes less than six months after her hiring, approval is requested to hire Lorna Bastian who applied at the same time as Ms. Fletcher. She will begin working April 2, 1997, at a rate of \$4.80/hr., part time, 10 hours per week. Commissioner Bevan Wilson made a motion to approve the hiring of Lorna Bastian. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

UAC INSURANCE MUTUAL PARTICIPATION IN HERITAGE VS. EMERY COUNTY

County Attorney David Blackwell reported that in the first amended complaint that was filed there were two claims raised that were in nature of a tort. Those issues are covered by our insurance mutual policy. That was tendered to them for defense. They have accepted that defense and have now hired lead attorneys who will be paid for by UACIM mutual insurance. Attorney Peter Sterba will be coordinating with Attorney Brent Armstrong. Mr. Sterba cannot pursue a counter claim so we will retain Mr. Armstrong to do that and help with the defense by

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keeping Mr. Sterba up to speed on where we are on the defense. Mr. Blackwell has received correspondence from the attorneys indicating they are getting together. Mr. Sterba will take the lead on the defense and will coordinate the costs of the accountants, or CPAs, expert witnesses and hopefully we will be able to share those costs.

Commission Chairman Randy Johnson brought out that Emery County's options did not include the option of getting out of this scot-free or without cost. We weren't given that option because of the actions of the other party. Our intent is that while we will have to shoulder some costs up front, in the long run it will end up saving us money by providing a better service for the county by settling with Heritage. We are making every effort to save the county money in the long run.

In other business Chairman Johnson, received a fax for the upcoming UAC Conference requesting any County packets or informational brochures to be there for the school children who will be touring. He suggested taking some of these with them to this conference.

(13)

APPROVAL OF PREVIOUS MINUTES

Commission Chairman made a suggestion to table the minutes dated March 19, 1997. Commissioner Kent Petersen made a motion to table the minutes until next meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

COMMISSION REPORTS

**KENT PETERSEN**

Commissioner Kent Petersen reported on a trip he made with a group from the Public Lands Council to Grants, New Mexico. The group made a tour of The Malpais, a National Monument managed by the National Park Service and National Conservation Area managed by BLM. The ground rules were established locally to take care of local concerns. The National Monument does not include any grazing ground, and the grazing is protected in the National Conservation area. The BLM is working well with the local people. The group learned a lot that may be of use as Emery County develops our plans for managing public lands.

**BEVAN WILSON**

Commissioner Bevan Wilson reported on the County's application to the Sub-Committee and Joint Highway Committee for funding of Goblin Valley Road. Of the \$500,000.00 the State

Legislature allocated for the roads into state parks, the County was successful in getting a \$250,000.00 grant. This will be for Phase One of the improvement of Goblin Valley Road. As a part of the grant application, the County will now be responsible for matching the awarded amount. Tentative plans are to bid this project in September 1997.

## **RANDY JOHNSON**

Commission Chairman Randy Johnson reported as Chairman of the Litigation Advisory Committee with UAC, which advises on the litigation and expenditure of funds on Public Lands lawsuits and issues that may go to litigation. They met recently with the governor about his incremental plan and didn't get a great deal of direction out of that. After he left Chairman Johnson asked the counties to meet briefly and determine their commitment to the Monument Lawsuit. He told them if the counties finance the entire lawsuit it could be as high as \$10,000.00 per county. He also told them it was an issue that was very important to Garfield and Kane Counties but more of a moral issue than a real issue to the rest of the counties. With those two things in mind he asked if they would support the lawsuit. It was unanimous that under those conditions and with that knowledge, they would stand firm and support the lawsuit. With that information and commitment from the counties and with help from Congressman, Chris Cannon they are in the process of raising some funds to lower the cost to each county. They now have a commitment they feel is substantial enough that the request from the counties will be more in the line of \$3,500.00 per county payable in two payments so they could pay part now and budget the other part for next year. Part of their concern has been the public relations effort in changing the public's mind about what environmentalism really is, who are the extremists and who are the ones that are protecting. Mr. Cannon has offered to help with that effort. There will be two more press conferences with C-Span in which Emery County will be in the forefront of those issues when they come up. There is a lot coverage, feedback and things happening in terms of some of these issues. Mr. Cannon has been a great deal of help in getting some of these things going.

(15)

## **EXECUTIVE SESSION**

Commissioner Kent Petersen made a motion to move into an executive session at 11:45 A.M. to discuss pending litigation. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. Present for Executive Session was Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, Attorney David Blackwell and Sheriff Lamar Guymon.

Motion to resume regular Commission Meeting at 11:55 A.M. was made by Commissioner Kent

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Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

(16)  
OTHER BUSINESS

As a result of pending litigation Commissioner Kent Petersen motioned to ratify the nominal settlement regarding employee complaint filed with the Industrial Commission and authorize Commission Chairman Randy Johnson to execute any documents necessary to complete that transaction. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)  
ADJOURNMENT

Motion to adjourn at 12:00 P.M. was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson 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**

**April 16, 1997**

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, County Attorney David Blackwell, Sheriff Lamar Guymon and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 4:00 P.M. by Commission Chairman Randy Johnson.

(1)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

1. Family Medical Leave

Jeff Cowley, Sheriff's Office, has experienced a serious medical problem requiring treatment and time away from work. He is on Family Medical Leave which began February 28, 1997 and ends May 16, 1997. He has sick and vacation time but not enough to carry him through this time period. Mrs. Snowball is requesting approval to advise employees of his need for contributed hours. Commissioner Bevan Wilson made a motion to approve the request to advise employees of his need for contributed hours. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

2. Library

Loyette Myerhoff, Branch Librarian in Elmo, has been recommended to receive a one-step merit increase. She would go from 7E \$9.16/hr. to 7F \$9.34/hr., effective on her anniversary date of April 29, 1997. Motion to approve the recommended one-step increase for Loyette Myerhoff was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

3. Clerk/Auditor

Clerk/Auditor, Bruce Funk requests approval to proceed with his earlier request to hire an individual who possesses professional level accounting skills, yet has good clerical skills and is willing to perform multi-level tasks in his office. His original request did not include a proposed salary. It is apparent that it will be necessary to pay approximately \$13.00/hr. or \$27,000/yr. to a person of this skill level. Mr. Funk is requesting approval

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to negotiate on this basis. Commissioner Kent Petersen made a motion to approve the hiring process based on the job description discussed. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented to the Commission for their consideration and approval Warrant/Check Edit List #99509 through and including #99743 for payment.

The following requisition was presented for Commission consideration.

<u>Requisition</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
26-97	Computer for Recorder's Office ( to replace a computer taken out of the office for title companies to use when they changed systems)	\$ 1,588.00	Approved

Commissioner Bevan Wilson made a motion to approve the warrants, additional warrants and requisitions for payment. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

M.E.C.C.A AND THE SAN RAFAEL BIKE FESTIVAL

Kim Player representing the Mostly Emery County Cycling Association informed the Commission of the San Rafael Bike Festival to be held in Emery County on May 16, 17, and 18, 1997. Mrs. Player requested support from the Commission in the form of moral support as well as a contribution to help subsidize the cost of food, T-shirts and guides. Commissioner Kent Petersen made a motion to contribute \$300.00 from Dues & Contributions to the San Rafael Bike Festival and pledged the moral support of the Commission for this event. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)

CITIZENS CONCERNS

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Forest Service Representative and Acting Ranger, Joe Reddan, gave an insightful report of the Forest Service projects proposed for 1997.

Treasurer, JoAnn Behling, informed the Commission of the Tax Deferral request from Mark and Linda Stevens of Huntington. Commissioner Kent Petersen made a motion to grant the deferral contingent upon their signing the deferral agreement with the County. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Penny Dunn, BLM, reported on the second quarter activity of the BLM and reminded them of the upcoming Resource Advisory Council Nominations on May 10, 1997. Ms. Dunn informed the Commission of her new appointment as BLM Manager in Baker, Oregon and expressed her appreciation and thanks to the many people she has had the opportunity to work with in Emery County.

(5)

CONSIDERATION AND APPROVAL FALCON CABLEVISION FRANCHISE RENEWAL AND ORDINANCE

Commissioner Kent Petersen made a motion to table this matter until later. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

EMERY WATER CONSERVANCY DISTRICT APPOINTMENT.

Commission Chairman Randy Johnson read a letter from Wayne Staley requesting to be reappointed to the Emery County Water Conservancy District Board. Commissioner Kent Petersen made a motion to reappoint Wayne Staley to the Emery Water Conservancy District Board for another term. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

REVIEW BIDS TO PERFORM TITLE SEARCH ON PROPERTIES CONSIDERED FOR MAY TAX SALE

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Clerk/Auditor, Bruce Funk presented bids from two title companies to perform title searches on properties considered for the May Tax Sale. One from Southeastern Utah Title Company for \$75.00 per parcel and another from Professional Title Company for \$60.00 per parcel for a lot within a regular subdivision and \$85.00 per parcel for each parcel having a "metes and bounds" description. After discussion on this matter and upon recommendation of the County Recorder and the County Assessor, Commissioner Kent Petersen made a motion to award the bid to Southeastern Utah Title Company. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS.

Howard Tuttle, Johansen & Tuttle Engineering, acting on behalf of Rex Funk, Road Supervisor, who was out of town, attended the bid opening for the Muddy Lane Fence Project. There were two bids proposed. One for \$13,205.00 from Yank's Fencing and another for \$13,297.00 from K.V. Fencing. Commissioner Kent Petersen made a motion to award the bid to the low bidder, Yank's Fencing, for \$13,205.00. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

APPOINTMENTS TO THE BOARD OF ADJUSTMENTS.

It has come to the Commission's attention that the Board of Adjustments should have five board members. They currently have three members. They need to add two members with two alternates. Several people have been contacted and have expressed their willingness to serve on this board. After discussion, it was decided to appoint Royce Stilson and Randy Bell as board members. Appointed as alternates, Russell Jensen and Genevieve Force. Their terms will run for three years ending January 1, 2000. Commissioner Kent Petersen made a motion to appoint Royce Stilson and Randy Bell as board members with Russell Jensen and Genevieve Force as alternates. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

DISCUSSION OF CANDIDATES FOR DEPARTMENT OF WORKFORCE SERVICES  
SUBREGIONAL COUNCIL.

The Commission received several candidates' names for nomination to the Workforce Services



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Subregional Council. It was the recommendation of the Commissioner members of the AOG to nominate Bonnie Cook, Castleview Hospital to be chair person for a one year appointment to the Workforces Subregional Council.

(11)

REPORT ON HVAC PROJECT

Commissioner Kent Petersen reported on the progress of the courthouse renovation. Everything is on schedule. The vinyl replacement in the break rooms is being completed. The old boiler is coming out this week. They are pouring the cement for the chiller pads soon. Installation of the Fan Coil Units will begin soon as they get here.

(12)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to accept the Commission Meeting Minutes dated March 19, 1997. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Kent Petersen made a motion to accept the Commission Meeting Minutes dated April 5, 1997. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

COMMISSION REPORTS

**Kent Petersen**

Mr. Petersen has served for two years on the BLM RAC Committee. His term has expired and he would like to continue to serve on this committee. The BLM will accept previous members for one more term, but they need to go through the nominating process again. Commissioner Bevan Wilson made a motion to support Kent Peterson's application for reappointment and to provide a letter of recommendation and support from the Emery County Commission. Commission Chairman Randy Johnson stepped down and seconded the motion. The motion was approved by all members present.

Mr. Petersen received a letter from Ronald B. Petty stating he received official notification from

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the United States Board on Geographic Names officially naming Petty Peak located on Harmonica Point 1.2 miles north northeast of Ferron Reservoir. The peak's elevation is 10,513 FT and is named after George Albert Petty.

### **Bevan Wilson**

Mr. Wilson reported on the Review Committee which met for the interviews for the Emery County Extension Home Economist position. The committee will make their decision and announcement of that position appointment soon.

Blaine Willes from the Tax Commission has expressed his willingness to come visit and respond to concerns expressed by the Commissioners over recent changes in Taxation. He would like a letter of invitation from the County identifying a few issues they would be prepared to discuss. The letter has been prepared with issues of concern identified.

Mr. Wilson relayed his concerns regarding PacifiCorp on their property acquisitions and dispositions of their property in Emery County. He suggested gathering a list of concerns and meeting with PacifiCorp to review them.

Regarding the new monies approved in the transportation budget for the U-10 and Highway 6, Spanish Fork to Green River, there is a meeting set for May 6, 1997 with both counties and UDOT. He suggested getting together with Kleston Laws, UDOT Area Manager, beforehand and prioritizing some projects along Highway 10 to let Emery County's preferences be known at that meeting.

### **Randy Johnson**

Bill Dye brought in the county's tree ring from the tree sent to Washington D.C. for Christmas. It is having a sealer put on it and will be on display in the museum or the courthouse.

Mr. Johnson will be in Washington D.C for a few days. He will meeting with Senator Stevens of Alaska on PILT issues, Senator Bennett on behalf of the Emery County Public Lands and Senator Cannon on UAC fund raising issues.

(14)

### **OTHER BUSINESS**

Frank Hall has asked to be released from the Nursing Home Board. Commissioner Kent Petersen made a motion to appoint Ross Huntington to fill the remainder of that term on the Nursing

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Home Board. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

There has been some illegal dumping above the landfill. It was suggested there is a need to raise the consciousness of the public regarding the use and misuse of the landfill. To help create community awareness, it was decided to put an article in the newspaper. The county has an ordinance against illegal dumping, but it is very difficult to enforce.

(15)

ADJOURNMENT

Motion to adjourn the meeting at 6 P.M. was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson 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 7, 1997**

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, County Attorney David Blackwell, Sheriff Lamar Guymon and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 9:00 A.M. by Commission Chairman Randy Johnson.

(1)

DAN WHITELEATHER, EMERY COUNTY RECREATION DISTRICT

Mr. Whiteleather has found that the Recreation District is not authorized to function outside of city and town boundaries. Bear Canyon Campground and the Huntington Ball Complex are not within a city boundary and therefore not under the responsibility of the Recreation District. He is asking to amend the Resolution to change the boundaries to encompass these two facilities and to not limit future activities on a county wide basis. County Attorney David Blackwell suggested holding a Public Hearing to follow the proper channels for amending a Resolution to expand the existing boundaries of the District. He pointed out the need to identify the intent of the county and the district. The fixed assets and use of these assets needs to be identified. It was the consensus of the Commission to follow the council of Attorney Blackwell, to follow through on this process of amending the Resolution changing the boundaries of the District to include the entire county.

(2)

DENNIS WORWOOD, USU EXTENSION AGENT,

Mr. Worwood reported that the Utah State University Extension Office has developed a sign for identifying Extension Offices in the courthouse. He is requesting a location for this sign. The Commissioners suggested that he get with the landscaping committee to find a good location for the sign.

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(3)

DAVE HARRISON, DESIGN WEST, UPDATE ON COURTHOUSE HVAC RENOVATION

Mr. Harrison updated the Commissioners on the progress of the renovation of the courthouse. Everything is on schedule.

(4)

CITIZEN CONCERNS

Commission Chairman Randy Johnson received a letter from a citizen asking if it would be possible to use the front windows of the Professional Building for displays. Dave Harrison, Design West Architect, has reviewed the building in preparing the package for demolition, and advises that the building is structurally unsound. He advises not allowing anyone in the building.

(5)

FALCON CABLE VISION FRANCHISE RENEWAL AND ORDINANCE.

After much discussion on this matter it was decided to table this issue for further clarification purposes. Upon motion from Commissioner Kent Petersen the matter was tabled. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

EMERY COUNTY FIRE PROTECTION DISTRICT APPOINTMENT.

The Commissioners received a letter from Castle Dale City requesting the appointment of Kay Jensen, ( current Fire Chief for Castle Dale City), to the Fire Protection District Board. Commissioner Bevan Wilson made a motion to appoint Kay Jensen to the Fire Protection District Board. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

DISCUSSION OF REGIONAL HAZMAT RESPONSE.

Commissioner Kent Petersen, reported on last month's UAC meeting where they discussed the possibility of putting together a Disaster Hazmat Response Team. Sheriff Lamar Guymon commented on the way chemical hazard incidents have been handled in the past and stated that

identifying and securing the area is not a problem. He reminded the Commissioners of the financial liability involved with handling these types of incidents. The Commission asked Sheriff Guymon to follow up the possibility of Hazmat training of area people in response to the states request.

(8)

RATIFY AGREEMENTS WITH JBR FOR ASBESTOS ABATEMENT WORK.

Commissioner Kent Petersen made a motion to ratify the agreements with JBR Environmental Consultants, Inc. for asbestos inspections on the Green River Road Shop, the Professional Building, the Courthouse and the abatement project management of the Courthouse. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

ROAD DEPARTMENT/LANDFILL ITEMS

a.) Ratify agreement with Questar Pipeline to lower pipeline on County Road No.608.

Commissioner Bevan Wilson made a motion to ratify the agreement with Questar Pipeline and Emery County. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

b.) Discussion of Abatement of Green River Road Shop and project manager.

After discussion on this matter it was decided that the Green River Road Shop demolition is a different situation and would not require an abatement project manager and that Thermal West was qualified to certify them as asbestos free at their completion. They assured Rex Funk, Road Supervisor, that they could do that. Commissioner Kent Petersen made a motion to proceed without a project manager provided Thermal West can certify the building as asbestos free so demolition can proceed. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

c.) Notice of Award for Muddy Lane fence project.

The project had originally been awarded to Yank's Fencing but some problems have developed which disqualifies them. The project now goes to the next lowest bidder which was K.V. Fencing. Because of the urgency of this project it was necessary to

expedite this process. Commissioner Kent Petersen made a motion to approve and ratify the award of bid to K.V. Fencing for the Muddy Lane fence project. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

d.) Discuss Emery County landfill permit review and inspection.

The permit application with the State Department of Environmental Quality for The Emery County Landfill is in the works. There will be a physical gas check next week.

e.) Other business

The demolition of the Professional Building is ready for bid. The bid package is being prepared. The job is tied into the courthouse renovation so there needs to be a change in the original contract. After much discussion it was the consensus of all involved to proceed on this as soon as possible.

(10)

CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING UAC TO ENTER INTO A FINANCING AGREEMENT ON BEHALF OF ALL 29 COUNTIES FOR THE NEW UAC BUILDING.

Utah Association of Counties is seeking support and approval of Resolution 5-07-97B which authorizes the county to participate, with the other 28 counties in Utah, in funding for a new UAC building. Discussed was the financial responsibilities of the county to this project which will begin in 1999. Emery County will not have individual responsibility except as a participant with other counties. Commissioner Bevan Wilson made a motion to approve and sign Resolution 5-07-97B. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

CONSIDERATION AND APPROVAL OF RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED AGREEMENT WITH OTHER MEMBERS OF UAC INSURANCE MUTUAL, RELATING TO THE ESTABLISHMENT, FUNDING AND OPERATION OF UAC INSURANCE MUTUAL.

Commissioner Kent Petersen made a motion to approve Resolution 5-07-97A authorizing the execution of an amended agreement with other members of UAC Insurance Mutual, relating to the establishment, funding and operation of UAC Insurance Mutual. The motion was seconded

by Commissioner Bevan Wilson and approved by all members present.

(12)  
APPROVAL OF INTER-LOCAL AGREEMENT BETWEEN ECSSD#1 AND EMERY COUNTY FOR QUESTAR PIPELINE CONTRACT.

Commissioner Kent Petersen made a motion to approve the Inter-Local Agreement between ECSSD#1 and Emery County. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented to the Commission for their consideration and approval Warrant/Check Edit List #100134 through and including # 100284 for payment.

The following requisitions were presented for Commission consideration:

<u>Requisition</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
31-97	Topper for 1997 Dodge Truck	\$ 825.00	Approved
30-97	Power Line from landfill to Gun Range	8,440.00	On Hold
29-97	Outers A.S. Trap Thrower	450.00	On Hold For more Discussion
	Outers A.S Stand	225.00	

The following Dispositions were presented for Commission consideration:

<u>Tag #</u>	<u>Description</u>	<u>Department</u>	<u>Disposition</u>
142-6282	Cellular Phone	Clerk/Auditor	Junked (damaged)
111-6050	Cellular Phone	Commission	Traded for new one

Commissioner Kent Petersen made a motion to approve the warrants, additional warrants and requisitions for payment. The motion was seconded by Commissioner Bevan Wilson and



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approved by all members present.

(14)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

(1)

Road Department

Mike Jensen will take Family Medical Leave from approximately May 8th to June 15th. Because Mike is the Grader Crew Leader which is a key production position, it will be necessary to fill the position while Mike is gone. To do this, approval is requested to move Joel Jensen from Op II, Grade 10, \$13.84/hr to Grade 14, \$15.83/hr which is the wage for Mike Jensen. Joel Jensen will return to his original grade and hourly wage upon Mike's return to work. Commissioner Kent Petersen made a motion to approve this action. The motion was approved by Commissioner Bevan Wilson and approved by all members present.

(2)

Clerk/Auditor's Office

- a. Shellee Allred has submitted her resignation effective May 16th. Approval is Requested to begin the recruitment process to fill the vacancy of Deputy Clerk/Auditor I, grade 4, Step A, \$7.43/hr., part-time at 3/4 time, eligible for prorated benefits. Commissioner Kent Petersen made a motion to approve the recruitment process to fill the Deputy Clerk/Auditor I position. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.
- b. Approval is requested to appoint Jamie Luce in the up-to-90 day temporary capacity to perform payroll duties effective May 19th at a rate of \$11.00/hr. Commissioner Kent Petersen made a motion to approve the hiring of Jamie Luce temporary up-tp-90 day. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.
- c. Request approval to hire Brenda Dugmore as the Senior Deputy Clerk/Auditor effective May 22nd at a rate of Grade 17, Step B, \$13.08/hr. This is a full time position with benefits. Commissioner Kent Petersen made a motion to hire Brenda Dugmore as Senior Deputy Clerk/Auditor. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

Sheriff's Office-Justice Court in Green River

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Request approval to transfer Cheryl Keener, from her current position of Clerk II - Personnel, grade 9, step D, \$9.76/hr to the Sheriff's Office as Executive secretary/Matron, at her same grade and step with no change in pay effective May 7th. (See item 18)

(4)

Motivational Program

The Commissioners have asked Leslie Bolinder and Pat Snowball to work together to make arrangements to give county employees the opportunity to attend a motivational program. Leslie has found an excellent speaker in David O. Litchford. Employees will be able to hear Professor Litchford on June 11th choosing from either of two sessions: 9 A.M. to 11A.M. or 1 P.M. to 3 P.M. Attendance will not be mandatory. However, employees will be encouraged to attend. Department heads and elected officials are urged to make time for their employees to be there.

(15)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to approve the minutes dated April 16, 1997 as corrected. The Motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

COMMISSION REPORTS

**KENT PETERSEN**

Commissioner Kent Petersen reported on the Sales Tax Bill that was passed in the Legislature. There needs to be a decision by August on adopting a County Sales Tax.

**BEVAN WILSON**

Commissioner Bevan Wilson reported on the meeting he attended with Howard Tuttle, Johansen & Tuttle, Commissioner Kent Petersen, Rex Funk, Road Supervisor, Kleston Laws and UDOT regarding the Transportation Bill funding of Highway 6 and U-10. Discussed was the proposed projects to recommend to the Highway Transportation Committee for funding.

Commissioner Wilson continued with an update of Flood Coordinating Meetings in which Howard Tuttle, Johansen & Tuttle, was asked to identify the problem areas along the streams in the county as well as the projects being done on these streams. Mr. Wilson also reported on the project requests made by the water districts. Discussion was entered on methods of determining the urgency of situations when flooding does occur. Also discussed was the need to get the word out to the water districts, expressing concerns of potential flooding situations, and informing them that they need to determine which situations will be handled first.

The Road District has been trying to get the Utah Transportation Commission to hold a meeting here in the county. August 14 & 15, 1997 has been suggested for this meeting. The intent is to take them on a tour of our roads and to take every opportunity to show them our needs. This will provide some private time for lobbying for funding.

Commissioner Wilson also reported on the letter the Commission received from Dale Roper, Mayor Of Ferron City, concerning more traffic control on the Canyon Road. The problem is the immediate lowering of speed from 40 to 25. It was suggested maybe lowering the speed limit gradually from 40 to 35 to 25. Discussed was the requests from the cities for more traffic control.

The Natural Resources Coordinating Council will be holding a conference/field trip in Price on May 18 -20, 1997. Their focus will be on problems facing coal mining, coalbed methane development and dinosaurs as a tourism resource as well as a forum for discussion on the entire scope of resource issues. They will view the River Gas coalbed methane (natural gas) field outside of Price and the Deer Creek Coal Mine in Huntington Canyon. The purpose of the trip is to help all of us understand the problems facing industry in developing resources on public lands.

## **RANDY JOHNSON**

Chairman Johnson reported on his trip to Washington DC. He attended oversight hearings and worked on a RS2477 amendment to an appropriations bill. He expressed that he felt the oversight hearings accomplished what they had hoped they would as far as supporting the Monument lawsuit. He reported on some of the things brought out in that hearing.

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EXECUTIVE SESSION

Commissioner Bevan Wilson made a motion to move into executive session to discuss pending litigation and personnel items. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)

RESUME REGULAR MEETING

Commissioner Kent Petersen made a motion to return to regular meeting. As a result of discussion Commissioner Petersen made a motion to tentatively approve the change in responsibility of Cheryl Keener once Commissioners Johnson, Wilson and Petersen have made an on site overview of the changes needed. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)

ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn at 2:PM. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**May 21, 1997**

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Kent Petersen, Commissioner Bevan Wilson, County Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 4:00 P.M. by Commission Chairman Randy Johnson.

(1)

TARA GUNDERSEN, REQUEST DONATION FOR SOUND OF AMERICA HONOR BAND.

Miss Gundersen has been chosen to represent Utah in the Sound of America Honor Band. The group will be touring Europe. She is requesting financial assistance to help with expenses of the trip. Commissioner Bevan Wilson made a motion to donate \$50.00 to assist Miss Gundersen. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

PERSONNEL

Public Lands

Personnel Director, Pat Snowball, requests approval to appoint Jordan Hansen to an up-to-90 days temporary assignment beginning June 2, 1997 and ending August 30, 1997 at a rate of \$5.00/hr. He will assist with various projects in the Public Lands office. He will be available to other county offices to assist in learning and applying Internet functions and will assist with the "construction" of the Emery County home page. He will be paid out of the Public Lands budget. Commissioner Kent Petersen made a

motion to approve the appointment of Jordan Hansen to an up-to-90 days temporary assignment. The motion was seconded

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by Commissioner Bevan Wilson and approved by all members present.

(3)  
APPROVAL OF THE WARRANT CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented to the Commission for their consideration and approval Warrant/Check Edit List #100547 through and including #100717 for payment. Mr. Funk recommended eliminating the Watts line assigned to the Commission/Attorney and Data Processing Offices.

The following requisitions were presented for Commission approval:

<u>Requisition</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
32-97	Spreader for ATV purchased on Req#4-97 (Weed & Mosq.)	\$322.00	Approved
33-97	Cell Phone (Lance Farmer)	\$304.95	Approved
34-97	2 Enclosed metal Trailers (Sheriff)	\$5,700.00	Approved (Pending receipt Of two bids)

Commissioner Kent Petersen made a motion to approve the Warrant/Check Edit List, additional claims and requisitions for payment as well as the deletion of the Commission/Attorney and Data Processing Watts line. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)  
CITIZENS CONCERNS

A problem was brought to the attention of the Commission concerning the property below the Sheriff's Department. The hill is sloughing off onto the property below. There was discussion

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on suggested ways to correct the problem as well as the responsibility on the part of the county. Road Supervisor, Rex Funk was assigned to follow-up on this concern and report to the Commission on his recommendations.

(5)

VAL PAYNE, PUBLIC LANDS DIRECTOR, UPDATE OF PUBLIC LANDS ISSUES.

Val Payne, Public Lands Director, reported on the NRCC Tour held in Carbon and Emery County. He found it to be very beneficial for them and for the county. Mr. Payne shared with the Commissioners the plaque that the Public Lands Council will be presenting to Penny Dunn, Manager of the San Rafael and Price River Resource Areas, in thanks for all she has done for this county. He relayed his findings on the updating of the new federal regulations regarding gypsum. There will be a scoping meeting on May 28, 1997 in Salt Lake City and he will have the opportunity to provide some input. They will be developing an environmental impact statement. The comments will be due by June 23, 1997.

He reported on the gypsum concerns in this area and commented on US Gypsum's Environmental Analysis. He expressed his concerns with the document.

Mr. Payne also reported on the E.A. from Western Clay's proposed expansion of their mine. Comments are due by May 30, 1997.

He has proposals from Energy West on a significant mine plan revision in the Rilda Canyon area where they are wanting to add a portion of leased land on the north side of Rilda to their permit. Comments are due by mid June on this proposal. There is also a proposal for some exploration drilling on East Mountain. They don't anticipate a big impact as the Forest Service is planning a control burn in the same area this summer.

The Co-Op Mine has submitted with the Division an application for significant revision for mining in the Tank Seam. Comments are due early July.

Mr. Payne informed the Commission that there were 17 gas leases up for bid May 19, 1997 the majority of which were in the San Rafael area. There have been 18 applications for permits to drill in Emery County on public and private land.

Mr. Payne expressed the Public Lands Councils support of the MOU

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with the State Department of Natural Resources which provides for them to be a part of planning involving public lands.

(6)

APPOINTMENTS TO ECONOMIC DEVELOPMENT COUNCIL

RosAnn Fillmore, Economic Development Director, recommended appointing Kirk Sitterud to the Emery County Economic Development Council Board to represent education. His term will run from June 1997 to January 2000. She also recommends Delena Fish to complete Carol Ware's unexpired term from June 1997 to January 1998. Blaine Evans has offered to stay until someone from Green River can be appointed. (The term is from January 1996 to January 1999.) Commissioner Kent Petersen made a motion to approve the appointments of Kirk Sitterud and Delena Fish to the Emery County Economic Development Council Board. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Mrs. Fillmore also reported on the Cleveland-Lloyd Dinosaur Quarry meeting held each month. Jim Madsen, in conversations with members of the Natural Resources Coordinating Council Members who wondered if we really had all these dinosaur resources here and why they hadn't heard about them before. Mr. Madsen pointed out that this area should be the dinosaur hub in Utah. There is a greater resource here than even Vernal. We have dinosaurs from the Jurassic clear through to the Cretaceous Period. They discussed seeking some funding for a combined interpretive center and quarry. There was a lot of discussion in this meeting. Mrs. Fillmore felt this was an interesting meeting.

(7)

CONSIDERATION AND APPROVAL OF FALCON CABLEVISION FRANCHISE RENEWAL AND ORDINANCE

Commissioner Kent Petersen made a motion to table this item until next meeting to clarify some matters. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS

- A) Consideration and approval of free use permit UTU-75042 and its accompany stipulations



Commissioner Bevan Wilson made a motion to approve the free use permit UTU-75042 and its accompany stipulations. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

B) County Auction Date

Mr. Funk reported the requests made by many departments to hold a county auction. After some discussion Commissioner Kent Petersen made a motion to set the date of June 28, 1997 to hold a county auction. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF PROPOSED ENGAGEMENT LETTER FROM RGL GALLAGHER, LLP AS ACCOUNTING/AUDIT EXPERT.

Commissioner Bevan Wilson made a motion to approve engaging the UAC Mutual attorneys approved forensic auditor, RGL Gallagher, LLP to assist in the pending Heritage Management vs Emery County suit. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

UPDATE AND DISCUSSION OF EMERY COUNTY RECREATION DISTRICT BOUNDARIES

County Attorney David Blackwell reported on the process of expanding the boundaries of the Recreation Special Service District. There needs to be a Notice of Intention to Annex Territory which will establish when the Public Hearing will be. Mr. Blackwell will advise the Commission and have everything ready for Commission Meeting on June 4, 1997.

(11)

CONSIDERATION AND APPROVAL OF GENWALL LARGE SITE PLAN

Mack Huntington, Planning Commission Chairman, reported that Genwall Coal Company has met with the Planning Commission concerning a Large Scale Site Plan for their operation in

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Huntington Canyon. Dave Shaver, Mine Engineer, Andalex Resources, Inc/Genwal Coal Co, met with the planning commission in their last meeting. The Planning Commission has approved their plans for a large scale site development at their mine in Crandell Canyon. They have met the zoning requirements. It is the Planning Commission's intent to request the Board of County Commissioners to set a date for a Public Hearing to consider the Large Scale Site Plan and to continue the public process. Commissioner Kent Petersen made a motion to set a Public Hearing to review the Large Scale Site Plan on June 18, 1997 at 6:00 P.M. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Mr. Shaver, who was present at the meeting, invited the Commissioners to visit the mine and development site.

(12)

CONSIDERATION OF FERRON CITY'S REQUEST FOR DONATION TO MILLSITE GOLF COURSE

Don Petersen came before the Commission inquiring of the money, \$10,000.00 a year, that Ferron City has been receiving to help pay the payment on a loan they received to pay for the Millsite Golf Course Clubhouse. The Recreation District receives their PILT money in August when Ferron City will receive the \$10,000.00 for 1997 which will be in time for their 1997 payment in September. The Commission determined to check last years budget to be sure the 1996 payment was made.

(13)

CONSIDERATION AND APPROVAL OF MOU WITH STATE DEPARTMENT OF NATURAL RESOURCES

Commissioner Kent Petersen made a motion to table this matter until the June 4, 1997 meeting. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to approve the minutes dated May 7, 1997 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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May 21, 1997

(15)

COMMISSION REPORTS

**Bevan Wilson**

Mr. Wilson reported on the NRCC Tour giving a review of the tour. There were about 20 members in attendance. He met many new people and had an opportunity to lobby for issues of our area and county concerns. He felt it was a wonderful opportunity.

He had opportunity to visit with Sheriff LaMar Guymon about the San Rafael Bike Tour and about the roads that were being closed. The BLM anticipates more roads being closed this summer. He suggested putting some pressure on to get the Transportation Plan out and have the BLM identify the roads being considered for closure.

**Kent Petersen**

Mr. Petersen had an opportunity to visit with Utah State University students who were here with the Public Lands Council. They went on a field trip to the gate at Mexican Mountain. He had a chance to exchange ideas and talk with them about issues of wilderness and RS2477 Roads. They were well-informed students. Professor Rasmussen was very complimentary of Emery County and expressed he would like to return with his students next year.

(16)

OTHER BUSINESS

Commissioner Kent Petersen made a motion to consolidate the multiple (5) ambulance licenses and to sign the agreement with The Bureau of Emergency Medical Services. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

ADJOURN

Commissioner Kent Petersen made a motion to adjourn the meeting at 5:35 P.M. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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May 21, 1997

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**June 4, 1997**

Present at the meeting was Commissioner Kent Petersen, Commissioner Bevan Wilson, County Attorney David Blackwell, Sheriff Lamar Guymon and Deputy Clerk/Auditor Carol Cox. Commission Chairman Randy Johnson was excused from the meeting as he was attending a press conference in Salt Lake City.

The meeting was called to order at 9:00 A.M. by acting Chairman Commissioner Kent Petersen.

Acting Commission Chairman Kent Petersen will step down during this meeting to second the motions as needed.

Welcomed at the meeting was the new editor of the Emery County Progress, Layne Miller.

(1)

**BID OPENING FOR CHIP HAULING CONTRACT**

Clerk/Auditor, Bruce Funk opened the bids for the chip hauling contract. Bid invitations were sent to six different companies with three responding. The first bid was from Kerwin Jensen Trucking for \$20,535.50. The second bid was from Sinbad Construction Company for \$21,727.50. The third bid was from Nielson Construction for \$26,244.50. Commissioner Bevan Wilson made a motion to award the bid to the low bidder, Kerwin Jensen Trucking for \$20,535.50 and to have Commissioner Bevan Wilson sign the contract after Road Supervisor, Rex Funk has looked it over. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)

**DAVID HARRISON, DESIGN WEST, UPDATE ON COURTHOUSE HVAC RENOVATION**

David Harrison, Design West provided the Commission with an update of the renovation of the courthouse. The chiller is in. They are piping the inside of the building so we can get air conditioning. The projected deadline for completion, June 27, 1997, may be extended a little to compensate for unforeseen problems.

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(3)

CITIZENS CONCERNS

The Commission received a request from a local citizen, Earl Nelson, who requested the picture hanging in the hallway of his grandfather's old barn. Commissioner Bevan Wilson made a motion to give the picture to Earl Nelson. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4)

CONSIDERATION AND APPROVAL OF FALCON CABLEVISION FRANCHISE RENEWAL AND ORDINANCE.

This issue was tabled.

(5)

DISCUSSION OF AMBULANCE TRANSPORT FROM EMERY COUNTY NURSING HOME

Commissioner Kent Petersen received a phone call from Nursing Home Administrator, Scott Theurer, concerning transport ambulance service for new patients being admitted to the Nursing Home. He is requesting permission to advertise this transport service. After some discussion on this matter it was decided an assessment survey should be conducted to consider the needs of the county for these types of services.

(6)

CONSIDERATION AND APPROVAL OF RESOLUTION OF INTENTION TO ANNEX ADDITIONAL AREA INTO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT.

County Attorney, David Blackwell, informed the Commission on the process of the intention to annex to include additional areas into the Emery County Recreation Special Service District. This process sets forth the notice to advertise three weeks in advance of the Public Hearing which will be July 2, 1997 at 10:00 A.M. to which it would be passed by Resolution. Mr. Blackwell reviewed the resolution with the Commission and responded to questions and comments. Commissioner Bevan Wilson made a motion to proceed with this process as outlined. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

ROAD DEPARTMENT/LANDFILL ITEMS(1) Consideration and approval of agreement between Emery County and Utah State Fuel Dispensing

Road Supervisor, Rex Funk identified this as being the (Gascard) Fuel Dispensing agreement between the State and Emery County. There was some discussion on the agreement and the fact that we need a Green River dispensing station. Commissioner Bevan Wilson made a motion to approve the agreement. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2) Approval to begin bridge painting process

Discussed were the bridge structures the State Inspector has identified as needing painting and blasting. As these inspections are done every two years, the Road Department had budgeted for these repairs. Discussed was the structures to be painted and blasted as well as some other identified problems. They are ready to go to bid on the sandblasting. Mr. Funk requested approval to begin this process of painting. The Commission discussed setting up a rotation program so as to work on a different bridge each year and rotate the repairs. Commissioner Bevan Wilson made a motion to approve the process of painting and sandblasting the identified bridge structures. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3) Approval of out-of-state travel for Road Supervisor, Rex Funk

Mr. Funk requested approval for out-of-state travel to Sacramento, California to attend the annual Solid Waste Association of North America Conference (SWANA). They will be discussing the landfill problems throughout the region and forming an arid landfill group. Commissioner Bevan Wilson made a motion to approve the out-of-state travel for Mr. Funk stating it is important that we stay up on regulations. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(4) Report on the snow levels and precipitation updates

Discussed was the conditions of the drainage and waterways in the county.

(8)

CONSIDERATION OF COUNTY'S PARTICIPATION IN PROPOSED RESOLUTION FOR INDIGENT PROSECUTION FUND

County Attorney David Blackwell explained that this is a UAC recommended defense fund set up to pay for defense cases. The cost for Emery County would be \$110,000.00. After some discussion, Attorney Blackwell advised starting our own defense fund and not participating in the Proposed Indigent Prosecution Fund. Commissioner Bevan Wilson made a motion to turn down our participation in this fund. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(9)

CONSIDERATION OF FERRON CITY'S REQUEST FOR DONATION TO GOLF COURSE

After discussion on this issue it was the consensus of the Commission that the County has been fulfilling their commitment to contribute \$10,000.00 to Ferron City. Commissioner Kent Petersen assigned Clerk/Auditor Bruce Funk to research the contribution to Ferron City. He is to report on the status of this contribution at the next meeting on June 18, 1997.

(10)

CONSIDERATION AND APPROVAL OF MOU BETWEEN EMERY COUNTY AND STATE DEPARTMENT OF NATURAL RESOURCES.

This is a communication MOU with the State Department of Natural Resources and Emery County. This will obligate the county and the DNR to work together in all aspects of planning, including functions and activities on Public Lands. County Attorney, David Blackwell reviewed the MOU with the Commission and recommended any changes come through the Public Lands Council. He will follow-up on any of those changes. Commissioner Bevan Wilson made a motion to approve the MOU between Emery County and DNR with any advised changes and to have Commission Chairman Randy Johnson sign it. The motion was seconded by Commissioner Kent Petersen and approved by all members present.



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June 4, 1997

(11)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS

Clerk/Auditor, Bruce Funk, presented to the Commission for their consideration and approval Warrant/Check Edit List #100905 through and including #101065 for payment.

The following requisitions were presented for Commission approval:

<u>Requisition</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
35-97	Computer system upgrade department computer Clerk/Auditor	\$1,852.00	Approved
36-97	Mercury outboard engine 40 Sea Pro standard shaft tiller handle Sheriff's Dept.	2,491.00 - <u>750.00*</u> \$1,741.00	Approved

\*Donations from Search & Rescue.

Commissioner Bevan Wilson made a motion to approve payment of the Warrant/Check Edit List and requisitions as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

The County Auction is tentatively set for June 28, 1997. Clerk/Auditor Bruce Funk and Captain David Owens will conduct the sale.

(12)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION

Personnel Director, Pat Snowball, presented the following personnel actions for Commission approval:

Weed and Mosquito

Approval is requested to hire four temporary, up to 90 day individuals as Weed and Mosquito workers effective May 27, 1997, at a rate of \$8.25/hr. The four individuals are Kato Wagner,

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Steve Wilson, John J. Lofley and Brian Dawes. Commissioner Bevan Wilson made a motion to approve hiring these four individuals. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Road Department

Approval is requested to begin an "in-house" recruitment for an Operator II. This a full time position with benefits at a rate of \$9.53/hr. Commissioner Bevan Wilson made a motion to approve the "in-house" recruitment request. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Sheriff's Office

Approval is requested to promote the following individuals:

Les Wilberg from Detective I 13M \$14.32/hr to Sergeant 15-O \$16.13/hr. effective on the first pay period after June 4, 1997.

Mitch Vetere from Deputy III 13H \$13.05/hr to Sergeant 15-O \$16.13/hr. effective on the first pay period after June 4, 1997.

J.D. Mangum from Deputy III 13I \$13.31/hr to Detective I 13K \$14.06/hr. effective on the first pay period after June 4, 1997.

Bob Blackburn from Deputy II 12J \$13.00/hr to Detective I 13K \$14.06/hr. effective on the first pay period after June 4, 1997.

Commissioner Bevan Wilson made a motion to approve the promotion of the individuals as discussed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Approval is requested to give the following merit increases:

Kathy Jensen, hire date 5/1/78 from 14F \$1003.20pp(\$12.54/hr) to 14G \$1024.00pp (\$12.80/hr), one step merit retroactive to May 1, 1997; effective on the first pay period after June 4, 1997.

LeeAnn Scoggins, hire date 2/27/84 from 9F \$10.18/hr to 9G \$10.36/hr, one step merit retroactive to February 27, 1997; effective on the first pay period after June 4, 1997.

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Commissioner Bevan Wilson made a motion to approve the merit increases for the individuals discussed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Because of some misunderstanding on the part of POST, and some negotiations with POST by the Sheriff, David Harrison was notified on February 26, 1997, that the certification, he had passed several years earlier would be recognized as legitimate by POST. The Sheriff, therefore, recommends that David be moved from his current classification of Dispatch I 10F \$11.08/hr to Jail/Dispatch II 12D \$11.54/hr., effective retroactively to February 26, 1997.

Greg Funk was in the process of becoming POST certified when he was hired on July 5, 1996. However, because of the entry level requirement in the Sheriff's Office, Greg's training was redirected so that he became corrections certified through Fred House Academy on July 7, 1996. Since that time Greg has been performing duties in the jail which cannot be done without corrections certification. Because of an oversight he was not moved to his correct classification; therefore, approval is requested at this time to move Greg from his current classification of Dispatch I 10A \$9.95/hr to Jail /Dispatch II 12A \$10.83/hr., effective retroactively to July 7, 1996. Commissioner Bevan Wilson made a motion to table this matter until further review. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Clerk/Auditor

Clerk/Auditor, Bruce Funk, requests approval to offer the position of Deputy Clerk/Auditor I to the first candidate chosen from the interview process. In the event the offer is turned down the position will be offered to the next choice candidate. Because it is uncertain who will accept the position the Clerk/Auditor would like to determine the successful candidate, advise the Commissioners individually, get the individual working and present the name for ratification at the next Commission meeting. Commissioner Bevan Wilson made a motion to authorize Clerk/Auditor, Bruce Funk, to hire for the position as discussed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Bevan Wilson made a motion to approve the minutes dated May 21, 1997 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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June 4, 1997

(14)

COMMISSION REPORTS

**Kent Petersen**

Commissioner Petersen traveled with the Public Lands Council to the Copper Globe and Kimball Draw area to view the U.S. Gypsum properties and to check out Emery County RS2477 Roads and the Copper Globe and Kimball Draw area.

**Bevan Wilson**

Commissioners Wilson, Petersen and Johnson toured Crandell Canyon with representatives from Planning & Zoning and Genwal Coal Company. They viewed Genwal Coal Companies proposed Large Scale Site area in preparation for the Public Hearing on June 18, 1997. They anticipate beginning construction in July which will throw added traffic into the canyons especially around the Crandell Canyon turn off. With the coal trucks, construction trucks and mine supply deliveries they anticipate some 300 coal trucks as well as 150 construction trucks a day through the canyons. July also starts recreation fishing, picnicking and camping. He anticipates an influx of complaints and requests for traffic control in Huntington Canyon.

He has had several calls on the mosquito problems. He reported that the foggers will be going around to the communities.

(15)

OTHER BUSINESS

Road Supervisor, Rex Funk reported on the assessment of property sloughing onto the property below the jail. He recommended fixing the problem. After some discussion of possible solutions of this problem it was the consensus of the Commission to have Rex Funk secure the area and do whatever necessary to fix the problem.

Mr. Funk also asked for authorization to solicit equipment prices for the Road Department. Commissioner Bevan Wilson made a motion to authorize Rex Funk to solicit equipment prices. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Commissioner Bevan Wilson made a motion to approve the Brand Inspection and authorize Commission Chairman Randy Johnson to sign it. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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June 4, 1997

(16)

ADJOURNMENT

Commissioner Bevan Wilson made a motion to adjourn the meeting at 12:00 P.M. The motion was seconded by Commissioner Kent Petersen 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**

**June 18, 1997**

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen; County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson opened the meeting at 4:00 P.M.

(1)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

(1)     Extension

Appointed for up to 90 days temporary is Amanda Swasey at a rate of \$5.00/hr. She will be doing clerical duties. Motion to approve the appointment of Amanda Swasey for up to 90 days temporary was made by Commissioner Bevan Wilson. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(2)     Health Insurance

Health Insurance is due for renewal on July 1, 1997. She is requesting to allow flexibility to negotiate a good contract, however because the documentation is due before the next Commission meeting she is requesting approval to go ahead with the documentation, have them signed and sent off before the due date of July 1, 1997 and then to have the documents ratified in the July 2, 1997 Commission meeting. There was some discussion on this matter. Commissioner Bevan Wilson made motion to authorize Pat Snowball and Chairman Randy Johnson to negotiate for the best insurance coverage for the money, to finalize with County Treasurer, JoAnn Behling and Clerk/Auditor, Bruce Funk so as to get it signed and into place by July 1, 1997. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)     Clerk/Auditor's Office

Kristie Nelson has been hired to fill the position in the Clerk/Auditor's office.

(2)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented to the Commission for their consideration and approval the Warrant/Check Edit List #101323 through and including # 101475 for payment. There were no requisitions or dispositions for consideration at this time. Commissioner Kent Petersen made a motion to approve the Warrant/Check Edit List for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

CITIZENS CONCERNS

1. Dr. Glen Jensen, Veterinarian from Moab, Utah, introduced himself to the Commission and presented a proposal for their consideration. Dr. Jensen works with Dr. Len W. Sorensen, D.V.M also from Moab and is in the planning stages of putting together a veterinary facility in Castle Dale, the proposed location being by the old bishop's storehouse. His proposal will include a housing facility for animal control of stray dogs and cats, which is presently handled by the county. This will provide for individuals who have lost an animal to call and recover the animal. He would be responsible for collecting the housing fees, vaccination fees as well as adoptions including the paperwork, spaying and neutering. All of these fees would be turned over to the county. In return there would be a salary for Dr. Jensen which could be approximately \$1,000.00 to \$1,500.00/month. Dr. Jensen would be providing the food, euthanasia solution, syringes, performing the euthanasia, etc. Sheriff Guymon stated that this would be an answer to prayer if it is cost effective as we have out-grown the county facility. Sheriff Guymon has asked Animal Control Officer, Martin Wilson to call around to other facilities of this type and get some figures. Commission Chairman Randy Johnson thanked Dr. Jensen for coming and relayed that the County would be interested in looking at a proposal if it is cost effective for the County. He suggested Dr. Jensen get with Sheriff Guymon in creating a proposal for the Commission to consider.

2. Road Supervisor, Rex Funk, reported on the encroachment of county property onto the property owner's shed below the jail. The owner indicated that he would be willing to 'call it good' if the county would deed over the .25 acre piece of property adjacent to his property and the property below the jail. Mr. Funk recommends letting down the side fence, excavating 8 feet back from the boundary line and forming a ditch to deflect the water onto the road. Because of the encroachment of property damaging their shed, he will get materials from Magnuson to repair the shed. After discussion on this concern it was the consensus of the Commission to have

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June 18, 1997

Mr. Funk follow through as he recommended and to finalize this matter.

3. The County Auction has been canceled until the fall.

(4)

VAL PAYNE, PUBLIC LANDS DIRECTOR, UPDATE OF PUBLIC LAND ISSUES.

Val Payne, Public Lands Director, reported on the favorable comments the Public Lands Council has received. Joe Redden, Forest Service District Ranger from Cedar City, after having worked with Public Lands Council on several issues, stated "Personally I would like to see your proactive approach to natural resource stewardship developed in my own county. You have a great model of collaboration." Penny Dunn, BLM, in a newspaper article printed as a result of being transferred to Oregon stated, "The Public Lands Council discusses such sticky issues as grazing, wilderness and how the county can benefit from the influx of new people while maintaining a traditional rural lifestyle. We have been able to build on our successes. It is something I would strongly recommend to the people of Carbon County. It always works best to sit down and discuss the issues and problems facing you."

The Emery County Home Page is progressing well. He met with the Save the Quarry Committee who received it enthusiastically as far as including information they are pulling together to help promote the Cleveland Lloyd Dinosaur Quarry. This illustrates our progressive approach to things.

Reporting on coal mining, there are three significant revisions in the process right now. They are with Co-Op Mine, Pacificorp and Genwal Coal Company. They all deal with extending leases.

Mr. Payne had in his possession a draft of the final EIS for the River Gas Project. The deadline for comments is June 30, 1997.

He informed the Commission that there are currently 18 permits to drill from Texaco alone. Bryant Anderson and Val Payne have had problems in being involved in site visits associated with drilling properties.

In the last Lands Council Meeting members of the Ferron Gas EIS team as well as representatives from the Division of Oil, Gas and Mining, reported on the summary of scoping meetings and a draft of that will be out soon.

To correct a problem with regard to being involved in the site visits and inspections prior to drilling, we established a procedure of receiving an E-Mail message from DOGM. He will be coordinating those messages and visits with Bryant Anderson, Planning & Zoning for the



permitting process and Jim Fauver, Assessor, for tax revenue on the equipment.

Regarding gypsum, Mr. Payne, Commissioner Bevan Wilson, Bryant Anderson and Tom Rasmussen (BLM) visited the Sigurd Quarry & Mill, U.S. Gypsum operation to become familiar with procedures in preparation for the site visit planned for June 19, 1997 at their proposed Kimball Draw Mine. He stated he felt better prepared, however is a little uncomfortable with some of U.S. Gypsum's comments that don't coincide with their EA & Plan of Operation. The Public Lands Council's comments on the EA & Plan of Operation reflected that concern which raised some controversy, however they were received well by U.S. Gypsum. Mr. Payne reiterated that the comments are valid.

He discussed the planned site visit to the proposed Kimball Draw Mine and invited the Commissioners to accompany him. Also discussed was U.S. Gypsum's EA & Plan of Operations planned dust suppression for the roads and hauling of gypsum which will be bid out and available for bidding to Emery County contractors.

(5)

CONSIDERATION OF FERRON CITY'S REQUEST FOR DONATION TO MILLSITE GOLF COURSE.

In the last Commission Meeting, Clerk/Auditor, Bruce Funk was assigned to research the status of the donations to Ferron City. Mr. Funk explained to the Commission the fact that Ferron City is on a fiscal calendar year which ends June 30, 1997, and the County is on a calendar year which ends December 31, 1997. He visited with Paula Kunze, Ferron City Recorder, to get a history of the donations and payments for the Millsite Golf Course Clubhouse. The first year the county gave them the donation they gave it to the CIB for the in-kind match. Each year since the county has given them the donation in the spring. At budget time Ferron City submitted a request for \$10,000.00. Since that time the Recreation District has been given the responsibility for that contribution. The Recreation District voted not to make that donation until August 1997 as they do not receive their funds until then. This would make the donation to Ferron City in their 1997-1998 year which leaves their anticipated revenue in the red for 1996-1997. Commissioner Kent Petersen explained that the donation made in the spring is used to reimburse the payment made on the clubhouse in September of that same fiscal year. If the Recreation District makes the donation in August it will be in their 1997-98 fiscal year which will leave Ferron City without a 1996-97 donation to cover the September 1996 payment. Commissioner Kent Petersen commented that it is a bookkeeping problem and suggested advancing the donation from the County and having the Recreation District reimburse the county when they receive their funds in August. Clerk/Auditor, Bruce Funk, recommended letting the Recreation District make the donation as planned in August 1997 and have them budget for the \$10,000.00 in their 1998 budget. Commissioner Bevan Wilson commented that we are not behind on our commitment to donate \$10,000.00 for that payment and would like to see it taken

care of by the Recreation District in August. After much discussion on this matter Commissioner Kent Petersen made a motion to donate from county funds and have the Recreation District reimburse the county in August. Commission Chairman Randy Johnson stepped down and seconded the motion with the understanding that he will agree to it this year only. If the Recreation District funding is not on line by next year Ferron City will have to wait until the next fiscal year to receive that donation. Commissioner Bevan Wilson opposed the motion, stating that he doesn't oppose the donation just the motion. Therefore, the motion was not approved by all members present.

(6)

CONSIDERATION AND APPROVAL OF AMENDMENT #2 TO THE FY97 CONTRACT BETWEEN EMERY COUNTY AND SOUTHERN UTAH AREA AGENCY ON AGING.

This comes about as a result of a insert of cash in lieu of commodities which came to the SUAAA and they cannot wait until the end of the year to do their adjustments, they have to do them as they occur. Commissioner Bevan Wilson made a motion to approve Amendment #2 to the FY97 Contract between Emery County and SUAAA. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

ROAD DEPARTMENT/LANDFILL ITEMS

- a) Approval of Cooperative Agreement Modification for the Price River Bridge & San Rafael River Bridge project.

Commissioner Bevan Wilson made a motion to approve the signing of the Cooperative Agreement Modification for the Price River Bridge & San Rafael River Bridge Project. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

- b) Approval of Des Bee Dove Canal Crossing Project Acceptance and Certification

Commissioner Bevan Wilson made a motion to accept the Des Bee Dove Canal Crossing Project back into the system. The motion was

seconded by Commissioner Kent Petersen and approved by all members present.

c) Consideration and Approval of Cooperative Agreement between UDOT and Emery County for Goblin Valley Road Grant.

Commissioner Kent Petersen made a motion to approve the Cooperative Agreement between UDOT and Emery County for the Goblin Valley Road Grant. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

d) Discussion of disposition of water tank

The road department has received an inquiry from an individual on the three tanks on the church property currently awaiting the Municipal Building Authority's finalization of purchase from the Church of Jesus Christ of Latter-Day Saints. Rex Funk has contacted the church to determine their objective for the tanks. They indicated they were originally going to dispose of them which was causing a snag in the process of finalizing the deed. The LDS church needed to do an environmental clearance to verify there isn't any leakage before the deed could be made. They have done this and have verified they are clean. The church indicated that if the county wanted them they could leave them on the property. Rex Funk checked into the use of the tanks and one was used for water. The individual who has contacted him, Joe Kuefler, 777 Ranch in Ferron would like to have the water tank if the county is going to scrap it. He would be willing to purchase it. Commissioner Bevan Wilson asked County Attorney David Blackwell to contact the church and get permission to move the tank to another location within the county. Commissioner Bevan Wilson also made a motion to have Road Supervisor, Rex Funk, proceed with disposal of the tanks after permission is obtained from the church. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

e) Other business

There were allegations that the county was transporting tires illegally and unfairly, competing with local enterprise. Rex Funk contacted the state and spoke with Wade Hansen who is over state tire program and inquired as to the status of tires received into the Emery County

Municipal Landfill as far as the elimination process is concerned. Mr. Hansen indicated that they are the county's to eliminate as they see fit as long as the process doesn't create a hazardous situation. If the county wished to take advantage of reimbursements from the state program, then the county would have to go through the state procedures and guidelines for disposal. Rex Funk concluded that the county may want to create a policy in the future for eliminating the tires and means for assessing handling fees.

Commissioner Wilson made a motion to authorize Rex Funk to receive price quotes for the scales for the landfill which are in the budget. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

APPROVAL TO PROCEED WITH BIDDING FOR ROOFING PROJECTS.

There are several buildings in need of roofing repairs. There are four libraries, the Nursing Home house and the courthouse. It was the consensus of the Commission to combine all the roofing repairs into one bid package (if possible) so as to save on the roofing materials and to ensure a professional job. Commissioner Kent Petersen made a motion to authorize Randy Johnson to proceed with preparing a bid package for this project. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

DISCUSSION OF INTANGIBLE DEDUCTIONS ON PROPERTY TAX.

The county has received word from UAC that they are thinking of delaying the implementation of HB 129 that allowed the counties to be held harmless in appeals of centrally assessed properties and escrow the amount of the appeal in our budget in order for our budget to remain constant. There was discussion on this issue. Commissioner Bevan Wilson suggested inviting legislative representatives to come here for a discussion on this issue. Commission Chairman Randy Johnson accepted that suggestion as an assignment and he and Leslie Bolinder will follow up on that invitation.

(10)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approve the minutes dated June 4, 1997 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

OTHER BUSINESS

Commissioner Bevan Wilson made a motion to change the date for the Andalex Resources, Inc./Genwal Coal Company Public Hearing, which was originally set for June 18, 1977, to July 2, 1997 at 9:30 A.M. The Clerk/Auditor's office will prepare the Public Hearing notice and follow up to be sure it is published.

(12)

COMMISSION REPORTS

**BEVAN WILSON**

Commissioner Bevan Wilson reported that the Weed & Mosquito Department has had a terrible time with beavers in the Huntington River drainage on the north end of Huntington. For several days they have had to tear out the dams that the beavers have been building in the wetlands area. He suggested inviting the Division of Wildlife Resources to the next Commission meeting to discuss the impact some of these types of problems are causing for the communities. He would like to discuss with the DWR their Wildlife Management Plan for Big Horn Sheep Area and the water situations with the Forest Service. Commission Chairman Randy Johnson suggested inviting Miles Moretti to attend the July 2nd Commission Meeting and consider inviting John Kimball to attend the Public Lands Council Meeting.

The Cleveland-Lloyd Dinosaur Quarry's Save the Quarry group submitted a request for \$5,000.00 to purchase a security system for the quarry as a result of last summers vandalism. The \$5,000.00 request was approved in the budget process. They had also submitted a grant application to the Utah Transient Tourist Association of which a part was granted. They have asked if the \$5,000.00 budgeted for the security system could be used for other repairs and projects identified for improvements in 1997. They had to have several bones replicated that were damaged in the break in. The bill from DinoLab for the bone replications was \$2,481.00. They had improvements to the walkways, trails and other various projects. Commissioner Wilson asked for authorization to pay the bill to DinoLab and the remaining \$2,591.00 to be used on the other identified improvements as the invoices are submitted. Commissioner Kent Petersen made a motion to approve the expenditures at the Cleveland-Lloyd Dinosaur Quarry for the purposes that have been

identified. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

The Commission received a memo about the sale of the Home Health Care Division of the Southeastern Utah Department of Health. Commissioner Wilson suggested inviting someone from the department to come to Commission meeting to discuss whatever impact this may have to the employees and or the elderly home health care in the county. Commission Chairman Randy Johnson suggested waiting until after the next health board meeting which will be July 15, 1997 where any changes will be clarified. He explained the reason for the changes and suggested inviting Dave Cunningham to the July 16, 1997 Commission Meeting to provide information from the board meeting as to the changes.

#### **KENT PETERSEN**

Commissioner Petersen complimented David O. Litchford, Motivational speaker from Utah Valley State College. We had very good response and comments from those who attended. It went very well. He thanked Leslie Bolinder and Pat Snowball for arranging the sessions.

He also commented on the Mormon Tabernacle Choir performance and the wonderful opportunity it was to listen to them as well as the privilege to get to attend a performance. He thanked the Treasurer's office for distributing the tickets, stating it was a great service to the community.

(13)

#### **EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.**

Commissioner Kent Petersen made a motion to adjourn to Executive Session to discuss pending litigation. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(14)

#### **ADJOURNMENT**

Upon return to regular meeting, Commissioner Kent Petersen made a motion to adjourn the meeting at 6:50 P.M. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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June 18, 1997

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_

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

**July 2, 1997**

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Bevan Wilson, Commissioner Kent Petersen, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson opened the meeting at 9:00 A.M. Chairman Johnson stepped down and seconded the motions as Commissioner Kent Petersen was due to return from Salt Lake City where he was attending a BLM RAC meeting. He returned to the meeting in time for the Public Hearings.

(1)  
MILES MORETTI, DWR, UPDATE OF QUARTERLY ACTIVITIES

Miles Moretti, Division of Wildlife Resources, reported on the various projects in progress. He just signed a proposal to send in for a fish cleaning station at Joe's Valley Campground. He didn't think there would be a problem with it passing.

The DWR is afraid the fishing in Joe's Valley is going to go downhill in the next couple of years. Every time they pull a net in Joe's Valley the Utah Chubs are increasing by leaps and bounds. They enacted some special regulations with the Splake in an effort to work on the problem from a management perspective. They think that in a few years they will be looking at some kind of a chemical treatment in Joe's Valley. They will first try several management strategies to try and hold that off. But the Utah Chubs are such prolific breeders and consume all the bio mass in the lake. The other fish just cannot compete. They are watching it close.

The fish relocation from Crandell Creek was a fun experience. The wild population of pure Colorado Cut Throat in the stream just happen to be in the 1,500 feet that Genwal wanted to cover. This gave the DWR a concern from a management stand point. The DWR worked out an agreement with Genwal to move the fish to Scad Valley on Forest Service land until they can secure a more permanent site with the Forest Service. The DWR has a Conservation Plan on Colorado Cut Throat. One of the conditions in this plan allows the DWR to be aggressive in preventing them from becoming threatened or endangered by putting them in new sites to spread them out and stabilize the population.

Public Lands Council had asked to have one of the Big Horn Sheep people come and talk about Big Horn Sheep issues. He will be available to come on August 12, 1997.



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The BLM has some new management guidelines, some changes in proposals of how they manage some wildlife species within wilderness study areas which has caused the DWR some concern. That ties in with the Big Horn Sheep. The BLM wants to do some things which could probably hamper the DWR's management. The DWR puts guzzler catchments in wilderness study areas and based on what he has read about the new management guidelines the guzzler catchments would not be able to be used to keep the Big Horn Sheep populations viable and their distributions wide spread.

On the BLM and Forest Service Law Enforcement issue. The BLM is getting some authority from an MOU that the DWR had with the BLM that allowed them to help them with some enforcement of misdemeanors and wildlife code. They are probably going to resend that MOU because of the controversy involved with that.

There has just been a decision on the River Gas EIS which the DWR was a major player in getting the alternative added. It was mainly put in for wildlife because of the area around Price and Carbon County that is so critical to the elk and deer. They have learned a lot that they think will help in the experience on the Anadarco and Texaco EIS.

The beaver problem in Huntington is being looked into. Also they are looking into the noxious weed, Purple Loosetrife. It is causing some problems at Desert Lake with the wildlife management. The weed board is trying to get this weed put on the noxious weed list.

On the legislative level, Elk Farming is now legal in Utah and is regulated by the Department of Agriculture. As an agency DWR opposed this bill. Another big issue is the Endangered Species Litigation Fund which is a tax on Brine Shrimp in the Great Salt Lake and a tax on culinary water. It was proposed by Representative Tom Hatch and supported by the Speaker of the House. The purpose was to create a fund so that cities, counties and other agencies could apply for the money to help litigate the impact of endangered species or things of this nature which impact the communities. The water part got dropped out of the bill. The tax on the brine shrimp stayed which will generate a lot of money for this fund. It is still being looked at. The guide and outfitters exemption bill died.

(2)

**PUBLIC HEARING- to receive public comments regarding the granting of site plan approval to Andalex Resources/Genwal large site plan to expand their surface operation in Crandell Canyon.**

Commission Chairman Randy Johnson welcomed those in attendance. He reported that the Commissioners took a tour of the site and were grateful for that opportunity. In his opening statement he relayed that when in Washington he often thought how handy it would be to have all those people who have no knowledge of how we manage our land out here, but impact our

public lands by the decisions they make, come out here and see what can be done with five acres of land. To see the trees, the fish and everything taken care of and left healthy. Then to see that tiny little portal stuck there in the middle of that beauty, carrying out three and a half million tons of coal a year. If the American public could see that kind of thing, then it wouldn't take long for the extremist to go the way of the wind. That's what is sad, that we don't have a good means to get that kind of message out to the public. He commended Genwal for the good job they are doing in leaving it healthy for the community.

The time was turned over to Mack Huntington, Planning Commission Chairman. Genwal Resources, has met with the Planning Commission and has met the requirements of the Zoning Ordinance for a large scale site plan in the Crandell Canyon area. As required by county Zoning Ordinance the Board of Commissioners is required to hold a public hearing to receive public comment and that's the purpose for this public hearing here today. Dave Shaver, Andalex Resources/Genwal presented a drawing of the proposed site which he reviewed with those in attendance. He explained that the expansion requires installing a large culvert for the length of the canyon which is approximately 1,500 feet. First they will have to move out all the fish in the creek which the Forest Service and the Utah Division of Wildlife Resources have determined to be a potentially remnant population of Colorado Cut Throat Trout. If so that would be the only pure population remaining on the Manti LaSalle National Forest. Genwal worked with DWR and the Forest Service to correlate a plan to remove the approximately 75 fish and transplant them to another location in the forest to hopefully be used as a breeding stock in the future. The plan is to return some of the fish back to the upper regions of Crandell Canyon later next year where they will be doing some additional habitat enhancement. Mr. Shaver related the cost and time involved with the expansion as well as the state of the art technology they will be using at the loading facilities. Genwal has met all the permitting processes required for this expansion.

Several questions were directed to Mr. Shaver. One question was related to the length of the canyon which Mr. Shaver approximated at a little over 4 miles. Another question asked was on the planned reclamation of the land. Mr. Shaver explained that Genwal is required under the Federal Surface Mine Control Reclamation Act, to have a plan and a bond in place sufficient to show that they can totally reclaim the land. Another question asked was the truck traffic anticipated for this project. Mr. Shaver indicated that there are approximately two hundred fifty trucks a day with an additional one hundred trucks anticipated in the canyons during the expansion work. One of the things that they hope this new facility will do is smooth out the truck traffic.

Commissioner Bevan Wilson inquired on the dangerous intersection on Highway 31 with the coal truck traffic coming in and out of the canyon. Genwal is working with UDOT on permitting some turn lanes at that intersection. He wanted to know when this will be done. Mr. Shaver reported that Johansen & Tuttle are in the final stages of an engineering design. Genwal has met with UDOT and the Forest Service and are getting close to a design that everyone can agree with. UDOT needs a certain design to meet their safety standards while the Forest Service wants

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to keep the footprint down to a certain size to minimize the impact. They think that they may now have a design that everyone can be happy with. The next stage will be to actually get into the permitting and do the analysis that is required. It is progressing.

The Planning Commission has approved the Andalex Resources/Genwal large site plan.

There being no further comments Commission Chairman Randy Johnson closed the hearing.

(3)

**PUBLIC HEARING- to receive public comments on Resolution of Intention to annex additional area into the Emery County Recreation Special Service District.**

Commission Chairman Randy Johnson opened the meeting at 10:00 A.M. by giving a reason for the public hearing. This annexation will blanket the county with the responsibility of the Recreation District. There being no comments or questions Commission Chairman Randy Johnson moved to close the public hearing. Commissioner Bevan Wilson seconded the motion and it was approved by all members present. According to David Blackwell, County Attorney the county has to receive comment for fifteen days. In the next Commission Meeting, barring any negative comment that will need to be reviewed, the Board of Commissioners will move to make the change in boundaries.

(4)

**TOM ALEXANDER, UTAH POWER, UPDATE ON QUARTERLY ACTIVITIES**

Tom Alexander, Utah Power, reported that they have a new plant manager at the Huntington Plant, Ray Rossi. He gave an update on the ongoing local projects. He also reported on the corporations recent purchases of the Energy Group of the U.K. which also owns Peabody Coal Company. This makes this corporation the largest private coal producers in the United States. It also puts them more firmly in the international market. They have purchased a gas gathering distribution company in Texas that has a lot of contracts up the line of the eastern coast. They are trying to become a full service energy company.

(5)

**KENDRA GUNTER, REQUEST FOR DONATION FOR NATIONAL HIGH SCHOOL RODEO FINALS**

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Kendra Gunter and Casey Miller have both qualified to go the National High School Rodeo Finals. Kendra has qualified in the goat tying event and Casey in bronc riding. They request a donation to assist them in their travel expenses to Pueblo, Colorado for the finals. Commissioner Kent Petersen made a motion to donate \$50.00 each to Kendra Gunter and Casey Miller to assist them in their travel to the National High School Rodeo Finals in Pueblo, Colorado. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

CITIZEN CONCERNS.

Leslie Bolinder had a concern regarding the many fire drills we have had in the courthouse with all the renovations that are being done. The contractors brought it to her attention that the fire alarm went off on Saturday when no one was here. She wanted to know if it was possible to get the courthouse fire alarm tied in to the sheriff's department. She pointed out that the fire department isn't notified unless someone from the courthouse calls them. She is requesting that this be looked into. The Board of Commissioners thanked her for bringing this to their attention and this will be looked into.

Rex Funk, Road Supervisor reported on the finalization of the property below the jail. The job is done and the owners were pleased.

(7)

CONSIDERATION AND APPROVAL OF COMMNET CELLULAR LEASE AGREEMENT AND LEASEHOLD.

In going over the lease agreement, Chairman Johnson and Commissioner Wilson expressed some concerns related to access and payment of utilities. Chairman Johnson recommended tabling this item of business until next meeting. Commissioner Bevan Wilson made a motion to hold this item until next meeting, to get a copy of the Forest Service lease so as to make some comparisons. Commission Chairman Randy Johnson seconded the motion and it was approved by all members present.

(8)

CONSIDERATION AND APPROVAL OF EMERY COUNTY 1997 CERTIFIED TAX RATES.

Clerk/Auditor Bruce Funk, presented the facts on how the 1997 Certified Tax Rate is derived

and what we are looking at as a proposed rate in order to generate the revenue that the budget was based for the year 1997. Senior Deputy Clerk/Auditor Brenda Dugmore, using overheads, reviewed for the Commission the Proposed Tax Rates. The main reason for the tax rate going up over last year's rate is the judgement levy to payback Pacificorp for the tax protest. Bruce Funk explained that there are two other factors causing this change, those being the decreased evaluation due to centrally assessed and House Bill 129 which makes the county escrow the value of the judgement levy. These things affect the tax rate. There will need to be Public Hearing after the disclosure notices go out because the overall rate is higher than the certified tax rate due to the judgement levy. There was some discussion on this matter. Commissioner Kent Petersen explained that we want to do the judgement levy because this makes Pacificorp pay most of their refund. There was discussion on the HB129 and the impact on the counties and also the centrally assessed evaluations and the rulings on the intangibles. Commission Chairman Randy Johnson asked where we stand if we approve this today in terms of tentative tax rate and then they resind HB129 and there is some change in the ruling on intangibles. Where do we stand if all these dynamics change before we approve the final rate. Assessor Jim Fauver, explained how these changes could affect the county homeowner. Bruce Funk explained that the time tables are such that the anticipated legislative session will be around the sixteenth (16th) and the county will run the disclosure notices on around the twenty-eighth (28th). We should have a lot more input by then and have plenty of time for any changes. Clerk/Auditor Bruce Funk expressed concern in the fact we placed the notice in the paper for the tax increase back in November of 1996 and now we are going to place another notice for the tax increase. Are people going to think we are raising the tax again? Commission Chairman Randy Johnson expressed his concern in that we are not able to give the explanation for the tax increase in the same area of the paper as the notice of increase. Today it is needed to approve the proposed tentative tax rate of .003445 with the County Library, Flood Control and specific judgement levy for 1992 to payback Pacificorp with a total of .004246. Commissioner Kent Petersen made a motion to tentatively approve the proposed tax rate of .004246 and to set Public Hearing dates for August 19, 1997 at 6:00 P.M. in Castle Dale and August 20, 1997 at 5:30 P.M. in Green River to receive public input on the proposed tax rate increase. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

CONSIDERATION AND APPROVAL OF CASTLE VALLEY SPECIAL SERVICE  
DISTRICT 1997 CERTIFIED TAX RATES

Daryl Leamaster, Castle Valley Special Service District, presented a comparison table showing the taxable value for 1996 and 1997. They have a drastic deficit in their taxable value for 1997.

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This impacts them most drastically in their general fund as they have a voter authorized limit of .008 a four mill. operating budget. They cannot exceed that amount. Their certified rates for 1997 were higher than the .008 but they can't go over that. What it does is lower the total amount of tax dollars that will be generated in that general fund. This will put them \$70,000.00 less than what they had budgeted in that account. In the debt service account the voter authorization allows them to set the tax rate at whatever rate it has to be make that payment. Whatever rate that has to be is the certified rate. This makes the rate .002253 in order to generate the \$2,312,000.00 needed to make the payments. The judgement levy will be .000163 to generate revenue to pay the judgement levy which exceeds the budgeted amount. Commissioner Kent Petersen made a motion to approve the tentative tax rate for the Castle Valley Special Service District. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

CONSIDERATION AND APPROVAL OF ANDELEX RESOURCES/GENWAL'S LARGE SITE PLAN.

Commissioner Bevan Wilson made a motion to approve Andalex Resources/Genwal Large Site Plan. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

11)

ROAD DEPARTMENT/LANDFILL ITEMS

**Update on Des Bee Dove Crossover Road.**

Road Supervisor, Rex Funk, received a letter from Energy West in response to the Des Bee Dove Crossover Road. Energy West is willing to meet with the Board of Commissioners regarding the possible assumption of the road by the county. It is possible there could be public interest in the road and felt it was an issue that should be brought before the attention of the Commissioners with possibly a Public Hearing regarding the county's assumption of the road. Commissioner Bevan Wilson acknowledged receipt of the letter and indicated that Johansen & Tuttle Engineering is in the process of assessing the road to determine what it would take to bring the road to acceptable standards under our county road guidelines and some approximate cost estimates. The next step would be to meet with Energy West to review the road and determine whether we want to pursue negotiations to return the road into the county road system.

(12)

DISCUSSION OF WESTERN STATES COALITION REQUEST FOR DONATION.

The Board of Commissioners received a letter from Western States Coalition requesting support and financial assistance in sponsoring a visit by Speaker of the House of United States Of America, Newt Gingrich and approximately twenty other members of Congress to the west to discuss issues unique to the west. They are soliciting assistance from all counties in the west as well as the industries. Commissioner Bevan Wilson made a motion to contribute \$200.00 to Western States Coalition for the identified use. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(13)

DISCUSSION AND IMPLEMENTATION OF INCREASE IN COUNTY'S RETIREMENT CONTRIBUTION RATE.

Clerk/Auditor, Bruce Funk, indicated the county has been notified by Utah Retirement Systems of a retirement rate increase. The amount, \$1,572.00, is an additional cost overall for all employees currently under the retirement system. The employee contribution remains the same, however, the employer contribution is now 6.42% for a total of 12.2% for the fiscal year. Brenda Dugmore, Senior Deputy Clerk/Auditor, explained that this is the annual increase that the retirement system does every year at the beginning of *their year* which is *July 1st*. It amounts to .08%, which amounts to \$1,572.00 for the year. Commissioner Bevan Wilson made a motion to receive the new rates as presented and to pay the increased amount. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/ Auditor, Bruce Funk, presented for Commission consideration and approval the Warrant/Check Edit List #101657 through and including #101807 for payment. No requisitions or dispositions were presented at this time. Commissioner Kent Petersen made a motion to approve the payment of the Warrant/Check Edit List as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball, presented for the Commissioners the following personnel actions:

Weed & Mosquito

Request approval to replace Steve Wilson, who resigned his temporary up to 90 day position with the department, with Dennis Dooley in the up to 90 day temporary assignment, effective June 17th at a rate of \$8.25/hr. This will be Dennis Dooley's 17th season with the Weed & Mosquito Department. Commissioner Bevan Wilson made a motion to approve this replacement. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Road Department

Recruitment occurred in-house for an Operator II. It is recommended that Ed Walls, who is currently serving as a temporary employee for the department be hired for this regular full time position, eligible for full benefits, at a rate of Grade 10, Step A, \$9.53/hr. effective July 3, 1997. Commissioner Bevan Wilson made a motion to approve the hiring of Ed Walls for the position and pay as described. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Recorder

Dawnette Tuttle has submitted her resignation effective June 30, 1997. It is requested that an in-house recruitment be conducted for a regular full time employee. It is further requested that the rate of pay remain negotiable in order to select an individual with the knowledge, skills, and abilities best suited to the position.

Dawnette has offered to help during the effort to select a replacement. In doing so it is requested that her status be changed to temporary up to 90 days on a part time basis at a rate of \$8.60/hr., which is the rate she was making at the time of her resignation. Commissioner Kent Petersen made a motion to approve the in-house recruitment for a full time position and the status change for Dawnette Tuttle. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Health Insurance Renewal

Intermountain Benefit Administrators, Emery County's third party administrator for its partially self-funded health insurance plan, has recommended that Emery County accept the bid from AIM Reinsurance, the county's current reinsurance carrier, of \$847,016.88 (up from \$799,864.80, a difference of \$47,152.08 or a 5.89% increase).

This will be effective July 1, 1997. The Board of Commissioners acknowledged the



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recommendation of Intermountain Benefit Administrators.

(16)  
APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.

Commissioner Bevan Wilson made a motion to approve the minutes dated June 18, 1997 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(17)  
OTHER BUSINESS

The Commission has been contacted by PhoneTel who has purchased all of Emery Telephone's pay phones. They will give the county 15% of the net proceeds. The representative could not wait until after Commission Meeting for the approval and was insistent that it be taken care of then, however she dated the contract for the date of the next Commission Meeting. Commissioner Kent Petersen made a motion to ratify the signing of the contract with PhoneTel. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)  
EXECUTIVE SESSION

Motion to adjourn to Executive Session to discuss pending litigation was made by Commissioner Kent Petersen. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(19)  
RESUME REGULAR MEETING

Motion to resume to the regular meeting was made by Commissioner Kent Petersen. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)  
COMMISSION REPORTS

**RANDY JOHNSON**

On Commissioner Johnson's last trip to Washington D.C they did file the law suit on the Monument. All the delegation members were there in support except for Senator Bennett who was in support of the monument but did not want be connected to the monument law suit announcement because he did not want it to appear as though he had been in collusion with the formation of the monument law suit. The law suit focuses on process and the manner in which the size and the borders were created. Connie Brooks, Lawyer for the delegation was encouraged that the courts will support the delegation. Following the announcement on C-SPAN the delegation has received numerous calls and contributions in support of the law suit. The press likes to play the rural vs. urban to create contention that really doesn't exist. He attended a meeting with all the parties that have anything to do with Rural Public Lands, as well as the urban counties. They hashed things over. There really is not any of this contention. There was difference of opinion. But they were in support of the suit.

He also met with Senator Durbin while in Washington lobbying on RS 2477 Wilderness issues. Senator Durbin had been asked by SUWAA members from Illinois to sponsor the bill in the Senate because he had been a co-sponsor to the bill when he was a member of the House before he was elected. The Senator's comment was that there is no issue that couldn't be resolved if parties would come to the table and sit down and discuss these things and seek some middle ground. Commissioner Johnson asked him since SUWAA is the author of the bill, that does that mean that at some point you are moving to middle ground? They refused to come to the table and discuss compromise that your going to separate yourself in from the author of that bill. His response was that they can remove me as the sponsor anytime they wish. He found Senator Durbin to be far different from the SUWAA people who are behind the bill. There is a great impetus in the House, the Committees and in the Senate to move the Utah Wilderness issue to a middle of the ground approach to get this resolved this year. He anticipates Jim Hansen will come up with a figure of approximately three to four million acres and get it passed.

Things played out very well in Washington.

**KENT PETERSEN**

Commissioner Petersen just returned from BLM RAC where he had some good discussion with Representative Brad Johnson on Tax Issues and the Gypsum projects. Representative Johnson is looking forward to coming to our county on July 8th, 1997 at 10:00 A.M. to discuss the tax issues and the intangibles. Commissioner Petersen also spoke with Bill Lamb and Dick Manis concerning the roads on the San Rafael, the RS2477 Roads. They made a tour of the roads earlier in the year which made an impression on them. They may be more willing to leave more

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roads open.

(21)  
ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting at 12:00 P.M.  
The motion was seconded by Commissioner Bevan Wilson 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**

**July 16, 1997**

Present at the meeting was Commission Chairman Randy Johnson, Commissioner Kent Petersen, County Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson opened the meeting at 4:00 P.M. Commissioner Bevan Wilson was excused from the meeting as he was on vacation with his family, therefore Commission Chairman Randy Johnson stepped down throughout this meeting to second the motions.

(1)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Road Department

- a. Request approval to conduct a public recruitment to fill the 9-month temporary assignment vacated by Ed Walls. The rate of pay is \$9.53/hr.
- b. Russell Dull, Op II, has submitted his resignation. Request approval to conduct a public recruitment for a regular full time Op II, grade 10, step A, \$9.53/hr., eligible for benefits.
- c. Effective June 30, 1997, Joel Jensen resumed his Op II position after substituting for Mike Jensen during Family Leave.  
Joel goes from Grade 14 \$15.83/hr to Grade 10, \$13.84/hr.

Commissioner Kent Petersen made a motion to approve the personnel actions as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

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Library

Jerilyn Mathis recommends the following library employees for merit increases:

Roxanne Bohn, hired July 2, 1990, from 7E \$9.16/hr. to 7F \$9.34/hr.  
Bonnie Day, hired July 13, 1990, from 4E \$8.09/hr. to 4F \$8.25/hr.

It is requested that these increases be made retroactively to their anniversary dates.

Commissioner Kent Petersen made a motion to approve the merit increases for the library employees as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

Justice Court

Julie Truman is a 3/4 time employee working 20 hours each week. She has requested that she be allowed to work some additional hours each week by offering her help to departments who need help.

She made arrangements with Justice Court to help eight hours each week through August. Approval of that proposal is requested. She would be paid at her current rate of \$8.25/hr from the Justice Court budget for these hours.

After a review of the facts during Executive Session, Commissioner Kent Petersen made a motion to approve the payment for the hours she has already worked but approval to work additional hours in other departments was denied. The motion was seconded by Commissioner Randy Johnson.

(2)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/ Auditor, Bruce Funk, presented for Commission consideration and approval the Warrant/Check Edit List # 102048 through and including #102257 for payment. One requisition was presented for consideration and approval:

Requisition #	Description	Amount	Action
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37-97                                      Computer/Sheriff Dept.              \$1,321.00                                      Approved

No dispositions were presented at this time. Commissioner Kent Petersen made a motion to approve payment of the Warrant/Check Edit List and Requisition as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(3)  
JIM MATSON, CONSIDERATION AND APPROVAL OF AGREEMENT FOR THE CALIFORNIA CONDOR EXPERIMENTAL POPULATION AREA IN NORTHERN ARIZONA AND SOUTHERN UTAH.

Jim Matson presented to the Board of Commissioners, a memorandum giving a history of the California Condor Release. The Fish & Wildlife Service held their first hearings in Kanab and Flagstaff, Arizona in January of 1996 to announce that they wanted to release California Condors in the Vermillion Cliffs. They held their first organizational meetings with the affected counties in March to see to what extent would this be a problem. They were advised by their counsel to work out a Memorandum of Understanding between the counties and the Fish & Wildlife Service on what would take place with condor management. The result of these meetings is the agreement the Commission is asked to consider today. In November the final rule went into the federal register which includes the elements that are in the agreement. In December the first five condors were released and nine more have been put out since then. There have been two deaths one to a Golden Eagle kill and the other one crashed into some power lines. There was some struggle within the Fish & Wildlife Services over the agreement's liberal content. The ones who prevailed were the ones who wanted to take care of the condors and not biological or political issues. Mr. Matson reviewed some aspects of the agreement with the Commission. There was a description on the nonessential experimental 10J area which includes the boundaries of I 40 on the South, I 15 on the West, Route 191 on the East and I 70 on the North. Emery County is inside this 10 J area as well as outside. A bullet in the agreement states; " All condors and their progeny are to remain in the 10 J area. If condors move out of the area, the Fish & Wildlife Service is to go collect them up and bring them back." The agreement also spells out that if the condors are in a conflict with any proposed activities or any ongoing activities the Fish & Wildlife Service is to go gather them up and bring them back. There was some debate on how to deal with these things in parks, monuments and recreation areas. It came down to the Fish & Wildlife Service's decision that they could not dictate the outcome of what takes place in parks. They would not be a part of any jeopardy opinion in the parks. According to Mr. Matson the condors are considered an endangered species under the Endangered Species Act and as such are protected inside parks, monuments and recreation areas. The agreement would provide for some leverage in the way things are managed if there is a problem . When injury or death occurs, if unintentional and unavoidable there will be no take provisions or

prosecution. The agreement is unique it was patterned somewhat on what took place on Wolf Introductions in Yellowstone. Mr. Matson feels it gives the counties a standing and a voice to deal with these issues. The option to signing the agreement is finding a way to get standing in court if problems do occur. This agreement would give the county standing in court if there is an issue in Emery County. Mr. Matson recommends strongly that Emery County ratify and sign the agreement. Commissioner Kent Petersen agrees that the county is probably better off with it than without it. Commissioner Petersen stated he felt that this is the way the Endangered Species Act should be taken care of and would like to see more of it. Commission Chairman Randy Johnson was apprehensive in that he had to sign a document that gives the county standing so they could later sue because there may be something in relationship to what is in the document that will take them to court. Commissioner Johnson is in support of the agreement from the perspective that Emery County has taken for years now with the Public Lands Council in that they try in every way to bring parties to the table to take some sort of common sense approach to these things. Commissioner Johnson wanted it known that by signing the agreement that he did not in any way support the Endangered Species Act. Many of the principals of the Endangered Species Act have caused undue burdens on certain people in various parts of the country. Job losses and other things could have been mitigated in other ways to avoid those kinds of situations. There are other ways of maintaining those species. Being no other comments Commissioner Kent Petersen made a motion to sign the agreement. Commissioner Randy Jonson seconded the motion and it was approved by all member present.

(4)

KAY KIMBALL, PRESENTATION OF THE 1996 FINANCIAL AUDIT.

Brenda Dugmore, Senior Clerk/Auditor reported on behalf of Kimball & Roberts. Emery County received a clean audit opinion. She requests accepting the 1996 audit. Commissioner Kent Petersen made a motion to accept the 1996 audit as presented. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(5)

DAVE CUNNINGHAM, SOUTHEASTERN UTAH HEALTH DEPARTMENT, DISCUSSION OF SALE OF HOME HEALTH.

Southeastern Utah Health District Department is the only health department currently that has a home health agency as part of the operation. Due to new issues, mostly with Medicare reimbursements which is the majority of their business, it has been increasingly difficult to run a home health operation and be part of the Public Health Department. The board has decided to put the Home Health up for sale. They have had nine proposals come in. Three were local and the rest from out of the area. The board has decided to assign a committee to review all the proposals in depth. There will be a special meeting on August 19, 1997 where they will hear the

recommendations of the committee and make a decision. As far as services, they have tried to make it clear to all the interested parties that the board and the districts concern is not just the bottom line dollar amount but it's also making sure the total service area will be covered, that there will be special considerations, the same type of clients and services that the health department has been able to offer in the past. There is a division with some of the aging services that they also offer with the Title 19, Title 20 and other programs like the alternatives program and the homemaker program. These programs will stay as part of the health department. They are checking with Maughn Guymon, Area Agency on Aging, to be sure there is a continuation of services. Aging does have a new program which is a Medicaid Waiver Program that will be an additional service offered throughout the district. SEUDH will try to make the change as painless as possible. There are rules and laws protecting home health clients in the event of a purchase or buy-out so that there will always be a continuation of service. The only thing that should change is who the client will send the bills to. They will try to get as many guarantees as possible. Commission Chairman Randy Johnson asked Mr. Cunningham to address the issue of the district being non profit and how that plays out with Medicare in that those who are in it for profit can be reimbursed in different ways than the district can, which really affects the ability of the district to do business. Mr. Cunningham explained that it has to do with the way Medicare wants to break out the costs. If there is another entity with it they will break out cost to their advantage. The State wants the district to break out the administrative cost a different way. One is based on direct salary and the other on direct cost. The two don't match. The private entity is able to do a lot of cost shifting. They are also able to put a greater percentage into administrative cost. So even if the home health might lose a little bit of money they can make up for it through administrative costs. There is some pending legislature that he finds very concerning. These deal mostly with reimbursements. One is a \$5.00 co-pay per visit. Some of the clients receive several visits per day. This will eat into the client's pockets. This piece of legislature is expected to be passed.

(6)

DICK MANUS/TOM RASMUSSEN, BUREAU OF LAND MANAGEMENT, QUARTERLY UPDATE

Dick Manus, BLM, reported on the gypsum work load with regards to Western Clay and US Gypsum Mine. The BLM is currently in the process of renewing both of these companies's Environmental Analysis documents. After all the process is done the documents will be presented to Bill Lamb, State BLM Director, for a briefing. The BLM's projection for finalizing this review is late August. At that time there will be a decision made as to whether they can sign "the finding of no significant impact" associated with environmental assessments that have been done. If they are unable to sign because there is a significant impact then that is what will kick it into the development of an environmental impact statement. Emery County opposes an EIS.

The BLM has received an appeal and a request for a stay on the River Gas EIS from a Moab



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sportsman group. They have ten days to respond back to Interior Bureau of Land Appeals with regard to the fact they acknowledge receipt of the appeal. River Gas is also responding to IBLA as to harm and impact this stay will impose on their operation. The IBLA has forty-five days to respond to the stay request.

On the Natural Gas EIS effort, the industry has contracted with Graystone Incorporated, an environmental review documentation preparation group, to help the bureau prepare a statement of work and data accuracy standards that they will be imposing upon the contractor that ultimately gets the contract for the development of the EIS. This corporation is working with the BLM corp team members in pulling together these efforts and hopefully there will be a draft from them about the 5th or 6th of August 1997.

The BLM is working with the county on the socioeconomic study.

The Highway Vehicle Plan presentation that was presented previously was a staff presentation. The BLM is proposing that when the draft comes out it will be from a management stand point not from a staff prospective. The BLM is proposing the week of August 18, 1997 for presenting a review to the working group who helped put it together. They would like to hold an open house in Castle Dale and Price for the public to view the plan and the maps. After the public has viewed the plans then they will make the announcement through the media and open it up for thirty-days for public input and comments. After the thirty-day comment period then they will come out with a final plan and decision. He suspects there will be a process of appeal. The projected time for having this wrapped up is September 1997. This plan has been four years in the making and it is time to get it finished.

Tom Rasmussen has been filling the position of Manager of San Rafael Resource Area on a temporary basis for not to exceed six months. The position has been announced and closed last week. They anticipate October before that position is filled. They are anticipating a fast paced workload facing them with the gypsum issues and the Ferron EIS. They are trying to maintain customer responsiveness.

The focus of the Resource Advisory Council will be the recreation program. The last RAC meeting was held in Vernal and while there took an opportunity to look at the recreational aspects in the Vernal area. The next RAC meeting will August 18, 1997 to hear from a subgroup on Fire Rehab tentatively scheduled for Nephi or Richfield with the intent to continue the recreation issues in that area. There may be an opportunity to host a RAC meeting in our area.

The BLM has a new acting associate state director on board the number two position in the state. Her name is Linda Coalville. She has been placed in this job for not to exceed one year. Mr. Manus and Tom Rasmussen took her on a tour of our area and she was awed by what she saw. She will be a good asset to the BLM.

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(7)

CHARLIE JANKIEWICZ, FOREST SERVICE, QUARTERLY UPDATE

In updating the Forest Service activities, Mr. Jankiewicz reported that the Joe's Valley Campground renovation is on schedule.

With state controlled funds collected from sailing and motor boats also from the habitat fund and the Emery County Water Conservancy District they will come up with the funds needed to build the fish cleaning station in Joe's Valley.

The construction of the pullouts for the Scenic Byway will begin approximately the end of July.

The contractors will begin work on the Stuart Guard Station by the end of July.

They are building new toilet facilities in Cleveland Reservoir, trail head for the left fork where it comes out at Staker Creek on Miller's Flat Road. Also the parking area is being enlarged to accommodate up to 100 vehicles for the snowmobilers up on Fairview with a toilet facility there. They are working with the National Guard in San Pete County to see that those things get done.

They are building two new toilet facilities at lower Gooseberry Reservoir.

He along with Val Payne and Tracy Jeffs from Public Lands and also Commissioner Randy Johnson will be visiting the dispersed recreation sites in Huntington Canyon prior to the pre-decision notice to identify the improvements needed there. This is planned for July 31, 1997.

John Healy has been out with the grazing permittees from several different allotments providing them with training sessions on utilization management. There has been a good turnout to these sessions. Val Payne will be attending the salvage timber sale on the South Manti.

The Capital City Team for Forest Service, Ian King, Gordon Williams and Kathy Anderson who work out of Salt Lake City, nominated Emery County and the following individuals Charlie Jankiewicz, Val Payne, Rosann Fillmore, Kent Petersen, Bevan Wilson, Randy Johnson, Wes Curtis and Tracy Jeffs for the National Rural Community Assistance Award in the area of leadership which they received. This recognizes the work that has been done as being a model for how the Forest Service and county government should be working together. The National Conference will be in Kalispel, Montana starting August 18, 1997 where the award will be presented. Mr. Jankiewicz is very proud of this award and hopes that each of those listed will be able to attend the conference to receive this prestigious award.

Commission Chairman Randy Johnson commented that he is pleased to be receiving this award because of the positive light it sheds on the things being done here by county government and

the Forest Service and the BLM as we work together to improve and protect our environment.

(8)

DAVE HARRISON, DESIGN WEST, UPDATE ON HV/AC PROJECT AND ROOF REPAIR PROPOSAL.

Comtrol has contacted Design West to alert them as to some changes that will impact the contract for the HV/AC courthouse project. Due to some things that were done differently Comtrol was able to save \$7,350.00 of the cost from the project. Comtrol is proposing using this credit to do some mechanical and roofing changes. One change will be in Commissioner Wilson's office because of the lighting system and where the new mechanical unit is located above that are there needs to be a different defuser installed for supply and return. The other change is in the telephone computer router closet there is a need for an exhaust fan to keep the room cool. Design West/Comtrol also made a proposal for repairing the roof. They contacted All Weather Roofing who installed the roof on the newer portion of the building. When they re-roofed the older portion of the building they tied onto the newer portion and by doing so nullified the guarantee that was on the original roof. Design West/Comtrol is proposing replacing the membrane roofing over a portion of the front of the courthouse to include built-up roof on raised roof section and silver membrane roof surrounding this built-up roof. This will reestablish the guarantee on the roof. The total amount for both the mechanical changes and the roof repair would be approximately \$12,200.00. However, this sum could be offset with the credit of \$7,350.00 from Design West/Comtrol for a net increase of \$4,850.00. Design West/Comtrol proposes to accomplish this added work for a cost not to exceed \$4,850.00. After some discussion on this matter Jim Fauver was assigned to look into having the telephone computer router moved to the Data Processing room. Commissioner Kent Petersen made a motion to accept the proposal from Design West/Comtrol for the revisions in the HV/AC and the roofing for the courthouse for the not to exceed total additional cost of \$4,850.00 with the understanding the computer router will be moved from the computer electrical supply closet with any savings in cost being passed on to the county. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

The air conditioning is going now. Everything is on track for completion.

(9)

APPROVAL OF LIBRARY BOARD APPOINTMENTS

The Library Board has sent a letter of request to appoint Ben Clements and Iona Ekker to the Library Board. Commissioner Kent Petersen made a motion to accept the Library Boards recommendation. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(10)

DISCUSSION OF FINAL APPROVAL FOR THE 1997 CERTIFIED TAX RATE TO BE INCLUDED ON DISCLOSURE NOTICES.

Clerk/Auditor Bruce Funk received a memo from the Property Tax Division saying the legislature in special session repealed the escrow and tax rate adjustment provision of HB129. The Property Tax Division will begin to recalculate the tax rates immediately. Bruce Funk is requesting that when those newly calculated tax rates arrive that he be authorized to go ahead and apply those rates. These will be the rates that will be put on the disclosure notices. Commissioner Kent Petersen made a motion to approve the application of the new tax rate to be ratified at the Commission Meeting following the receipt of the new tax rate. He added that when the new rate is received that the Commissioners get with Bruce Funk and Brenda Dugmore for discussion. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(11)

DISCUSSION OF COUNTY FAIR FINANCES.

Clerk/Auditor Bruce Funk and Senior Clerk/Auditor Brenda Dugmore have met with Fair Chairman, Sharon Earl to discuss this years coming activities as far as handling the finances. One of the things they came to an agreement on was the checking account requiring an authorized signature from a member of the Fair Board and someone from the Clerk/Auditor's office, either Bruce Funk or Brenda Dugmore. The other thing discussed and agreed upon is that revenues be receipted back into the county. The state requires a three day turnaround on receipt of revenues. There is a checking account for the fair and one for the rodeo. In the future those revenues will come back into the county and dispersement sent out by the county. These checking accounts will be closed out after the majority of the fair is over. The bank statements will come to the county to be reconciled by the County Treasurer. After the fair is over an evaluation will be done to see how things went. Commission Chairman Randy Johnson discussed the need to have the fair under the umbrella of the Clerk/Auditor's office. They discussed the need to get with the rodeo people and the horse association people to discuss the direction of the fair.

(12)

ROAD DEPARTMENT/LANDFILL ITEMS

A. Set date for bid opening on demolition of Castle Dale Professional Building.

Road Supervisor, Rex Funk reported that Johansen & Tuttle has given him a draft of the bid package for the demolition of the Professional Building. Commissioner Bevan Wilson, through conversation with Rex Funk has expressed a desire to push this thing along and get approval from the Commission to proceed and bring this to bid. Commission Chairman Randy Johnson was concerned by Supervisor Rex Funk's workload and wondered if he was comfortable with proceeding with this at this time. Rex Funk relayed that after review of the bid package he could probably have it in the paper by July 29, 1997 and the earliest they could open the bids, because of the demands of advertisement would be August 19, 1997. The Commission gave approval to proceed with the bid package advertisement.

In trying to get the utilities unhooked they have run across so many legs of services that have been booted in over the years. There is a telephone pad on the west side of the building that is the central pedestal for all the professional services on that side of street. This would have to be removed and the pedestal put to the back of the alley and then interconnect everything again. The telephone company feels like the county should participate in the cost for doing this. The county's share of the cost would be approximately \$450.00. The Commission gave approval to proceed with this action.

(13)

CONSIDERATION AND APPROVAL TO TRANSFER FUNDS TO THE MUNICIPAL BUILDING AUTHORITY OF EMERY COUNTY.

Senior Clerk/Auditor Brenda Dugmore requests approval to transfer the \$233,852.79 pool of cash remaining in the Municipal Building Authority general fund to the MBA checking account. Commissioner Kent Petersen understood that the plan was to transfer all of the funds but wanted to keep as much of it as we could invested so as to not lose the interest. The MBA has money in PCIB that can only be used after a reimbursement request has been approved. Brenda Dugmore has made several calls to find out about the PCIB grant and all she has been able to find out is that until we spend the money it can't be transferred over. The question was whether the MBA receives the interest on those funds. Brenda also reported that there needs to be a Public Treasurer's Investment Fund set up to transfer the funds to the MBA account. She wondered if that needed to be done in the MBA meeting. County Attorney David Blackwell requested that it be clarified in the minutes that the Commission okay the transfer of the funds since it is still in the county system. Commissioner Kent Petersen made a motion to approve the transfer of funds to the Municipal Building Authority. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(14)

CONSIDERATION AND APPROVAL OF MOU FOR BAILIFF SERVICES TO THE DISTRICT COURT.

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County Attorney David Blackwell presented to the Commission the MOU for baliff service to the District Court. Sheriff Guymon had asked that the date be changed as he was not aware the MOU went to the year 2000. Sheriff Guymon asked that the year be changed to 1998. Commissioner Kent Petersen made a motion to approve the MOU with the change to make it yearly. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(15)  
CONSIDERATION AND APPROVAL OF AMENDMENT TO CONTRACT 97-0647.

Commissioner Kent Petersen made a motion to approve the amendment to Contract 97-0647 which is the Red I Grant. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(16)  
CONSIDERATION AND APPROVAL OF DISTRIBUTION LINE POLE CONTRACT AGREEMENTS WITH PACIFICORP.

This contract is for the fiber optic lines not including Green River. Commissioner Kent Petersen made a motion to approve the contract agreements with Pacificorp for the distribution line poles. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(17)  
CONSIDERATION AND APPROVAL OF COMMNET CELLULAR LEASE AGREEMENT.

Commissioner Kent Petersen made a motion to approve the Commnet Cellular Lease Agreement. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(18)  
CONSIDERATION AND APPROVAL OF RESOLUTION TO ANNEX ADDITIONAL AREA INTO THE EMERY COUNTY RECREATION SPECIAL SERVICE DISTRICT

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Commissioner Kent Petersen made a motion to adopt Resolution 07-16-97 which will annex additional area into the Emery County Recreation Special Service District. The motion was seconded by Commissioner Randy Johnson with a notation this will be a beneficial thing for the county. The motion was approved by all members present.

(19)  
APPOINTMENT OF COMMISSIONER TO SERVE ON THE UAC INSURANCE MUTUAL COMMITTEE.

The Commission has received a letter from Utah Association of Counties requesting the Emery County Commission appoint a member of the Commission to serve on a committee which will evaluate the coverages and operations of UAC Insurance Mutual and make any resulting recommendations to the Board of Trustees. Commissioner Kent Petersen made a motion to appoint himself to be on this committee. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(20)  
APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.

Commissioner Kent Petersen suggested tabling the previous meeting minutes.

(21)  
COMMISSION REPORTS

**KENT PETERSEN**

Mr. Petersen reported that the standards and guidelines for grazing have been approved by the Secretary of the Interior. He and Jim Fauver attended a meeting of the Legislature that resulted in the special session where they talked of delaying the implementation of the escrow provisions of HB129. This provision states that if a centrally assessed tax payer appealed the amount of the appeal would be set aside and the certified tax rate would be based on the unappealed portion and the rest escrowed. He feels that the county is better off with the bill the way it stands now without the escrow provision. It gives the county the ability to give a judgement levy without the truth and taxation advertising requirements. Let it go through the process and in the end

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when the appeal is finally settled if the county owes more taxes then we can do a judgement levy. We still have to notify the public but we don't have to do the ads that are difficult to understand.

(22)

OTHER BUSINESS

Due to a conflict in dates it is necessary to change Commission Meeting and Board Of Equalization to the following dates: Commission Meeting will be held on Wednesday, August 27, 1997 at 4:00 P.M. in Green River with a 5:00 P.M. Public Hearing for vacating of a bridge and a small portion of county road near Green River. Board of Equalization will be held on Tuesday, August 26, 1997 in Castle Dale and Wednesday, August 27, 1997 in Green River. Commissioner Kent Petersen made a motion to change the dates of Commission Meeting , BOE and the Public Hearing to the dates discussed. The motion was seconded by Commissioner Randy Johnson and approved by all members present.

(23)

EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL ITEMS

Commissioner Kent Petersen made a motion to adjourn to executive session to discuss litigation and personnel items. The motion was seconded by Commissioner Randy Johnson and approved by all members present

(24)

RETURN TO REGULAR MEETING

Upon return to regular meeting Commissioner Kent Petersen made a motion to authorize Clerk/Auditor Bruce Funk to contact R & B Computers and advise them that we will pay for the part and half of the labor cost. The motion was seconded by Commissioner Kent Petersen and approved by all members present.



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(25)  
ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn. The motion was seconded by Commissioner Randy Johnson 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**

**August 6, 1997**

Present at the meeting were Commissioners Randy Johnson, Bevan Wilson and Kent Petersen, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 9:00 A.M. by Commission Chairman Randy Johnson.

(1)

DAVID L. SWAN, PERSONAL PROPERTY MANAGER, DISCUSSION OF PERSONAL PROPERTY AUDIT SERVICES PROVIDED BY STATE TAX COMMISSION.

David L. Swan, Personal Property Manager from the State Tax Commission, gave an overview of the Personal Property auditing service available to the county assessor.

(2)

CITIZENS CONCERNS

Sheriff LaMar Guymon honored Deputy Ray Jeffs and presented him with a plaque from the American Cancer Society on behalf of Green River City for the assistance he has provided over the years during their cancer drive.

Mark Brian, Western Auction Company, has contracted with Carbon County to conduct a municipal auction in Price City on September 13, 1997. He is aggregating items for this sale from all entities in the area and was inquiring as to Emery County's desire to participate in this action.

It was the consensus of the Commission not to participate in the auction at this time.

(3)

CONSIDERATION AND APPROVAL OF LAND TRADE WITH NIELSON CONSTRUCTION.

Commissioner Bevan Wilson reported that some years back Nielson Construction Company in Huntington requested to purchase the 10 acres of land owned by the county that is adjacent to their shop. Road Supervisor, Rex Funk made an assessment of the property and determined he needs to find somewhere to relocate the items currently being stored on the property. Nielson

Construction owns 10 acres of land west of Morhland Road by Huntington Reservoir and is willing to make a land trade. The lands are of equal value. Rex Funk has determined he will need some time to relocate the items currently on the property. County Attorney David Blackwell has been contacted to determine the legalities of such a trade. Jim Bartorelli, South Eastern Utah Title Company, has been contacted concerning the necessary documents to make the exchange. Commissioner Bevan Wilson made a motion to approve the land trade with Nielson Construction pending the legal paperwork with a 6 month period to relocate the items currently stored on the county property and to authorize Commission Chairman Randy Johnson to sign the necessary documents. The motion was seconded by Commissioner Kent Petersen and approved by all members present

(4)

DISCUSSION OF CONSIDERATION OF DECLARING PURPLE LOOSESTRIFE AS A COUNTY NOXIOUS WEED AND SETTING OF PUBLIC HEARING.

James Nielson, Weed & Mosquito, explained the infiltration of purple loosestrife into the county. The seed is very small and hard to control and is spreading like wildfire across the northern half of the United States. It devastates the wetlands. Emery County has the only known infestation on the Upper Colorado River Drainage. In an effort to control the weed they are trying an experimental insect provided by the state. The condition for using the insect was to not spray the area where they are used for five years. They are, however, spraying the other patches they find. Mr. Nielson provided a map pointing out the places where the loosestrife is prolific. Declaring purple loosestrife a county noxious weed would enable the county to receive help from other agencies in controlling the infestation. To declare it a county noxious weed, due process requires a Public Hearing to receive public comment. Commissioner Kent Petersen made a motion to set a Public Hearing for September 17, 1997 at 6:00 P.M. to receive public comment on declaring purple loosestrife a county noxious weed and to educate the public on its existence. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(5)

CONSIDERATION AND APPROVAL OF EMERY ANIMAL HEALTH SERVICES PROPOSAL.

Dr. Glen Jensen, Veterinarian from Moab, Utah, in an earlier Commission Meeting had made a tentative proposal for providing animal health services for the county. As per the Commissioner's request he has submitted a proposal for their consideration and approval. The proposal includes housing, maintenance of the facilities, regular office hours, collection of fees, meeting all legal requirements, euthanasia and other named services for a monthly sum of \$1,750.00. He would like some indication from the Commission so he can determine the design

of the facility. Sheriff Guymon indicated that the current shelter located in Orangeville is inadequate, outdated and overcrowded. Animal Control is faced with possibly building a new facility. Sheriff Guymon stated he felt the plan is a good idea and would like to sit down with Dr. Jensen, respond to the cost and add some definition. He would like to have the County Attorney look things over to get a fix on the legal aspects of the proposal. The current Animal Control officer would concentrate more on picking up the animals. This proposal would not reduce the cost of animal control but it would make it a more productive, efficient service to the community. The only monetary savings to the county would be the facility that wouldn't have to be built to replace the one in Orangeville. Commissioner Bevan Wilson stated he felt the proposed program had a lot of merit and would be beneficial to the citizens of the county as well as county government. However, he feels that the proposal needs more detail and definition. Commission Chairman Randy Johnson stated he is comfortable with pursuing a proposal and contacting Dr. Jensen of the consensus of Commission that this is a doable proposal with some added definition. Sheriff Guymon will contact Dr. Jensen to set up a time for Commission Chairman Randy Johnson, Sheriff Guymon and Dr. Jensen to work on the contract. Castle Dale City will also be contacted for approval of the location.

(6)

DISCUSSION OF OPTIONAL 1/4% COUNTY SALES TAX.

After considerable discussion the Board of Commissioners decided not to adopt the 1/4% county sale tax at this time. After discussing the pros and cons to this added revenue the bottom line was "this is not a good time to implement an added tax to the citizens of Emery County". Commissioner Kent Petersen made a motion to not attempt to adopt a 1/4% county sales tax for 1998 but to look at it again in 1998 for implementations in 1999. The motion was seconded by Commissioner Bevan Wilson who would like to have some clarification from the State Tax Commission on this proposed optional sales tax. The motion was approved by all members present.

(7)

DISCUSSION OF BEAR CANYON CAMPGROUND IMPROVEMENT PROJECTS.

Clerk/Auditor, Bruce Funk, explained that while under the operation of county government several projects were started at Bear Canyon and the Huntington Ball Complex that were left unfinished. When the operation of Bear Canyon and the Ball Complex was turned over to the Recreation District they did not incorporate any funding to finish up these projects. Bruce Funk suggested having Commissioner Wilson and the Risk Management Team coordinate with himself and Shannon Hiatt, Recreation Director, to identify the needs and cost estimates for finishing up these projects. He would like to have proposals for the emergency repair projects and costs bids by next commission for the Board of Commissioners consideration.

(8)  
DISCUSSION OF COURTHOUSE RENOVATIONS.

Because of all the rain we have been receiving lately the crawlspace under the courthouse is filling up with water. The drains are being worked on to correct this problem and they are pumping out the water. The roof repairs are complete. The testing is being done on the air conditioning.

(9)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk, presented for Commission consideration and approval the Warrant/Check Edit list #102483 through and including #102652 for payment. The following requisitions were presented for consideration:

REQUISITION	DESCRIPTION	AMOUNT	ACTION
38-97	Supplies & Equip For Henry Mtn Proj	5,324.70	Approved
39-97	Test equipment for Sheriff's Department	14,079.00	Approved

Dispositions for asset #'s 410-4777 and 410-4773, two hand held radios from the Road Department, were presented for consideration.

Commissioner Kent Petersen made a motion to approve payment of the Warrant/Check Edit List, requisitions and dispositions as presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTIONS.

Personnel Director, Pat Snowball presented the following personnel actions for Commission approval:

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### RSVP

Sandra Jewkes has submitted her resignation effective August 8, 1997. Approval is requested to begin the recruitment process for a part time, less than 20 hrs/wk replacement, no benefits, at a rate of 4A \$7.43/hr.

Commissioner Bevan Wilson made a motion to approve the recruitment process for a part time, less than 20/hrs/wk replacement in RSVP. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### ROAD

Charles Bentley, Lead Mechanic, submitted his resignation effective July 15, 1997. Approval is requested to begin the recruitment process for a regular full time replacement with a negotiable wage based on skills and experience.

Request approval to begin the recruitment process for a temporary 9-month mechanic at a negotiable wage based on skills and experience.

Two flaggers were hired temporarily for August 4th through 7th at a rate of \$7.00/hr. They are Cindy Baggs and Dustin Deto.

Commissioner Bevan Wilson made a motion to approve the personnel actions as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### PLANNING & ZONING, BUILDING INSPECTION, EMERGENCY MANAGEMENT.

Approval is requested to change the Office Specialist part time, 20hr/wk position to a regular full time position. Marcee Wright occupies that position currently and will continue with no change in pay but will be eligible to receive full benefits.

Commissioner Bevan Wilson made a motion to approve the change in the Office Specialist position as presented. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### RECORDER

Request approval to begin the recruitment for a regular full time deputy recorder, at a rate of 4A \$7.43/hr. Commissioner Kent Petersen made a motion to begin the recruitment process as

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presented. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

APPROVAL OF COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to table the minutes dated July 16, 1997. The motion was seconded by Commissioner Bevan Wilson and approved by members present.

(12)

OTHER BUSINESS

Commissioner Kent Petersen made a motion to sign the contract for surplus property for the Weed & Mosquito Department and authorize Commission Chairman Randy Johnson to sign the necessary document. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Discussion was entered on the need to set up a meeting with Grand County officials to discuss the law enforcement services being provided to them but not being paid for. At this date they have a considerably large outstanding balance due to the county. Sheriff Guymon suggested inviting them to the Commission meeting being held in Green River on the 27th of August to discuss this matter.

In other business Senior Deputy Clerk/Auditor, Brenda Dugmore, reported on the current financial status of the Emery County Fair.

USU Extension Agent, Dennis Worwood, invited the Commissioners to attend a dinner on September 8, 1997 in Price with officials of the Continuing Education and Extension Departments from Carbon and Emery County. He also informed the Commissioners that a new DSS Satellite Dish will be installed on the building for the Educational Channels. He will get with Commissioner Kent Petersen to coordinate the positioning of the dish on the roof.

(13)

COMMISSION REPORTS.

**BEVAN WILSON**

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Commissioner Wilson has contacted Shirl Clarke, Program Director for the Permanent Community Impact Board concerning CIB Funding. Mr. Clarke indicated he was 99.9% sure everything on the agenda of the three applications from Emery County would be funded without question. Commissioner Wilson discussed with Mr. Clarke the visit of the CIB Director and staff to Emery County. The end of September is the probable time for this visit. Commissioner Kent Petersen will coordinate this visit with the CIB. Commissioner Wilson suggested organizing a tour of the various projects that have been funded by the CIB and possibly a tour of the Methane Coalbed.

The Utah Transportation Commission of Utah is coming to Emery County on August 14 & 15, 1997. A committee has been set up comprised of Carol Ware, Joyce Staley and Leslie Bolinder who will coordinate the activities for those two days. There will be a tour on the afternoon of the 14th. The tour will concentrate on showing the road conditions of U10 and the coal haul roads as well as the Moore cutoff and out to the interchange with a loop taking them through several more identified areas of concern. The tour will end up back in Castle Dale for a dinner in the park at 6:00 P.M. UDOT will be holding their regular transportation meeting here in the courthouse on the 15th. This is the first time the transportation commission has been to Emery County to hold an official meeting. The Emery County Board of Commission has requested some time in that meeting for local input and is preparing information packets to handout the transportation commission on various road conditions. This lobbying is in an effort to try and get the \$5,000,000.00 Centennial Fund budget for identified roads in Emery County. Included in this lobbying effort was an attempt to move 60 million dollars for the US 6 project in order to escalate the completion date. Commissioner Wilson will provide Commissioner's Johnson and Petersen with an itinerary of the activities and invited them to make a special effort to be in attendance.

### **RANDY JOHNSON**

One of the great things about living in this area is the people who are willing to give of their time and talents for the benefit of others. The Castle Valley Pageant has been shown now to approximately 12,000 people with the four biggest nights left to go. He expressed his thanks to the many volunteers who have shown up to help in various capacities in a most gracious manner to help make this season another great experience.

(14)

### **ADJOURNMENT.**

A motion to adjourn was made by Commissioner Kent Petersen, seconded by Commissioner



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Bevan Wilson 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 SHERIFF'S COMPLEX  
IN GREEN RIVER, UTAH**

**August 27, 1997**

Present at the meeting were Commissioners Randy Johnson, Bevan Wilson and Kent Petersen, County Attorney David Blackwell, Sheriff LaMar Guymon and Senior Deputy Clerk/Auditor Brenda Dugmore.

The meeting was called to order at 4:00 P.M. by Commission Chairman Randy Johnson.

(1)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION

Pat Snowball was unable to attend the meeting. Commissioner Bevan Wilson had one item of personnel action. Commissioners discussed the need to hire an up to 90 day temporary assistant for Lance Farmer.

Commissioner Bevan Wilson made a motion to approve hiring an up to 90 day temporary assistant for Lance Farmer in maintenance. Commissioner Kent Petersen seconded the motion and it was approved by all members present.

(2)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS

Clerk/Auditor, Bruce Funk, presented to the Commission for their consideration and approval Warrant/Check Edit List #103168 through and including #103383 for payment.

The following requisitions were presented for Commission approval:

<u>Requisition</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
40-97	Tracked Cargo Carrier	\$6,000.00	Approved
41-97	Computer System Upgrade Treasurer/ Computer	\$1,280.00	Approved

Dispositions for asset # 04827 a hand held radio and #210-5520 a 1991 Chevrolet Caprice that had been wrecked were presented for consideration.

Commissioner Kent Petersen made a motion to approve payment of the Warrant/Check Edit List and requisitions and dispositions as presented with the exception of Mason Machinery, pending further details. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

**PUBLIC HEARING-to receive public comment regarding the vacating of a bridge and a small portion of county road located approximately 20 miles west of Green River near State Highway, said bridge being listed on the Utah State Bridge Inventory as No. 051006C and said road being known as County Road No. 129, Woodside and Lower Price River**

Commission Chairman Randy Johnson opened the meeting at 5:05 P.M. by giving a reason for the public hearing. Commissioner Kent Petersen explained that Roy Pogue owns the facilities around the geyser in Woodside. Mr. Pogue has requested that the County vacate the bridge back to him as the property owner. Rex Funk explained the problems with the County owning the bridge. One major drawback is that the State has evaluated the bridge and determined that it doesn't meet sufficiency standards. The bridge must be sand blasted and painted and the abutments strengthened. Rex Funk also gave a report on the usage and upkeep of the bridge. County Attorney David Blackwell clarified the point that by operation of law, if we abandon the bridge it reverts back to the property owner. The County is abandoning its right of way to the property. Commissioner Kent Petersen stated that he could see no reason for the County not to abandon the bridge.

Commission Chairman Randy Johnson asked for any further public comment. With no further public comment, Commissioner Bevan Wilson made a motion to close the public hearing. Commissioner Kent Petersen seconded the motion and approved by all members present.

(4)

**CONSIDERATION AND APPROVAL OF ORDINANCE ABANDONING BRIDGE AND ROAD**

Commissioner Kent Petersen made a motion to adopt the ordinance abandoning the County road right of way as described here in, deleting descriptions 1,2&4 and correcting the misspelled word, ordinance to be effective September 15, 1997. Commissioner Bevan Wilson seconded the motion and approved by all members present.

(5)

CITIZEN CONCERNS

Emery County Progress Editor Layne Miller stated he had heard that SEUAOLG was looking for small Emery County businesses to serve on a Workforce Services Board. Mr. Miller would be happy to talk with the Progress Board about a member of their board serving on the SEUAOLG Board.

(6)

ROAD DEPARTMENT/LANDFILL ITEMS**Review Bids on the Demolition of Castle Dale Professional Building, Discussion of Salvageable Materials, and Consideration and Approval of Notice of Award**

The following bids for demolition of the Castle Dale Professional Building were reviewed:

Associated Gutters & Siding, Inc.	\$28,250.00
Minchey Digging	36,750.00
MacKay Kim Inc.	38,445.00
Nielsen Construction	83,150.00

Included in the bid price is removal of a pool table and fountain. These items are to be delivered to the road department.

Commissioner Bevan Wilson made a motion to award the project to the lowest bidder, Associated Gutters & Siding Inc. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

**Consideration of Orangeville City's Request to Assist with Hauling of Material for City Park**

Orangeville City has requested the use of the road department and their equipment to assist in hauling fill for the park. Orangeville City wants the county to provide the materials. Commissioner Kent Petersen had concerns that each city in the county has received a substantial increase in the amount of Class "C" road funds while the county did not receive an increase. Commissioner Bevan Wilson was concerned that it is time for road chipping and the road department will be extremely busy during this time of the year. It was pointed out that in the past the entity requesting the services had paid for the cost of the materials plus the cost of the fuel. The Commissioners approved Rex Funk to put the project on the list of jobs to do if they determined that they would have time, with Orangeville City paying for the cost of materials and fuel.

**Consideration of Green River City's request for Assistance with a Chipping Project**

Green River City has requested the assistance of the road department with a chipping project. They would need the road department men and equipment. Green River City would reimburse the county for the cost of the chips and oil plus the diesel fuel. Commissioner Wilson stated that he would like to see the project worked into the road department's schedule.

Commissioner Wilson made a motion to allow Rex Funk to work the project into the road department's schedule. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

**Set Date for Public Hearing of County's Acceptance of SR57 Crossover Road to Des Bee Dove Road**

Commissioners discussed the need to hold a public hearing for the County's acceptance of SR57 Crossover Road to Des Bee Dove Road. Commissioner Kent Petersen made a motion to set a public hearing for September 17, 1997 at 5:00 p.m. for the County's acceptance of SR57 Crossover Road to Des Bee Dove Road. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

**CONSIDERATION AND APPROVAL OF RIGHT-OF-WAY APPLICATION UTU-70444 FOR CONSTRUCTION OF A WATER TRUCK LOADOUT ACCESS ROAD AND PUMP SITE ON PUBLIC LANDS**

Road Department Supervisor Rex Funk stated that they had received the permit from the BLM for the water truck loadout access road and pump site. He recommended that the County go ahead and sign the agreement. Commissioner Kent Petersen made a motion to sign the agreement for a right of way application UTU-70444 for construction of a water truck loadout access road and pump site. Commissioner Bevan Wilson seconded the motion and approved by all members present.

Commissioner Bevan Wilson also informed the public that the last Friday of every month they meet with the BLM to look at projects and deal with concerns. The tour this month will be coming up this Friday.

(8)

**DISCUSSION OF LITTLE BEAR CAMPGROUND IMPROVEMENTS AND ASSOCIATED COSTS**

Commissioner Bevan Wilson gave a report on the needed improvements at Little Bear Campground and the softball complex. He has worked with Clerk/Auditor Bruce Funk, Recreation Director Dan Whiteleather and Shannon Hyatt. They have created a list of projects that need to be done in the near future. Commissioner Kent Petersen suggested that the item be put on the agenda for the next meeting so it could be determined if there is any money available to complete these projects.

(9)

DISCUSSION OF GREEN RIVER/EMERY COUNTY/GRAND COUNTY BOUNDARY CHANGES AND SERVICES

Commission Chairman Randy Johnson gave a report on the continued discussions over boundary changes in Green River. He got in touch with Grand County Councilmen and they determined the best course of action would be to meet as commissioners and councilmen and try to work out some agreements.

Emery County Commissioners are working to ensure that the Green River City boundary changes will be on the ballot to be voted on in 1998. Currently the sheriff's agreement has expired and is over \$100,000 in arrears. The Commissioners will meet with Grand County and try to reach some agreements.

(10)

DISCUSSION OF BLM ROAD CLOSURES IN SAN RAFAEL SWELL

Commission Chairman Randy Johnson gave a report on some of the roads that have been closed in the San Rafael Swell area. Saddle Horse Canyon has been posted with road closed signs. Commissioner Johnson is concerned that there are road closures going on while the case is being litigated. He has spoken with Dick Mantis of the BLM concerning the problem. The Commissioners are working extremely hard to keep all of the roads open and will explore all avenues available to solve this problem.

(11)

DISCUSSION OF NATIONAL FIRE PROTECTION ASSOCIATION STANDARDS FOR WILDLIFE AND URBAN WILDLAND INTERFACE CODE

Commissioner Kent Petersen suggested that the Fire District look into these issues. Commission

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Chairman Randy Johnson will deliver this assignment at the next Fire District Meeting.

(12)

DISCUSSION OF PURCHASE OF A NEW VEHICLE FOR NURSING HOME

The Nursing Home is in need of a good vehicle to transport patients to the doctor. Commissioner Kent Petersen wanted to look into getting a good used van for this purpose. It was suggested that this item be put on the agenda for the September 3, 1997 meeting and evaluate whether there is money in the budget.

(13)

DISCUSSION OF FCC TELEVISION FREQUENCY CHANGES

The FCC has made a new ruling to change to digital television. Communication Specialist Bret Mills had submitted a letter to the commissioners explaining the requirements and when the changes must take place. It was suggested that the county begin preparing for the digital changeover and to start lobbying the legislature to make sure rural users are considered when the changeovers are made. Commissioner Bevan Wilson suggested that we try and find out as much information as possible. Commission Chairman Randy Johnson stated that he should have more information by the meeting for September 3, 1997.

(14)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES

Commissioner Kent Petersen made a motion to approve the minutes dated July 2, July 16 and August 6 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

COMMISSION REPORTS

**BEVAN WILSON**

Commissioner Bevan Wilson reported that he and Bill Howell toured the Spruce Beetle infested

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area coordinated by the Forest Service. This infested area is in the twelve mile flat area. The infestation is spreading at an amazing pace. Commissioner Wilson stated that we need to make sure that we get written comments turned in for support of the harvest of dead timber in this area.

### **KENT PETERSEN**

Commissioner Kent Petersen reported that he had attended a BLM Rack meeting in Fillmore. Their rehab efforts of fire destroyed grounds had been stopped due to a lawsuit by the North Piute Indians. The lawsuit was filed because the BLM was using chains to cover the seed being planted. The Rack is trying to come up with some recommendations for the process. Commissioner Petersen was reappointed to the BLM Rack. Greg Simmon was also appointed to this rack.

Commissioner Petersen also reported on the trip to Kalispel, Montana to receive an award for collaborative work with other groups. It was a good award for the County.

### **RANDY JOHNSON**

Commission Chairman Randy Johnson expressed his thanks to the Emery County Fair and Castle Valley Pageant volunteers. This year over 26,000 people came to see the pageant. He thanked the road department for grading areas for the parking at the pageant.

(16)

### **EXECUTIVE SESSION**

Motion to adjourn to Executive Session to discuss personnel matters was made by Commissioner Kent Petersen. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

### **RESUME REGULAR MEETING**

Motion to resume to the regular meeting was made by Commissioner Kent Petersen. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.



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(18)

ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting at 7:00 P.M. The motion was seconded by Commissioner Bevan Wilson 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**

**September 3, 1997**

Present at the meeting were Commissioners Randy Johnson, Bevan Wilson and Kent Petersen, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 9:00A.M. by Commission Chairman Randy Johnson.

(1)

KATHY JUSTICE, HERITAGE DAYS, PRESENTATION OF PLAQUE TO EMERY COUNTY SHERIFF'S DEPARTMENT.

Kathy Justice, Heritage Days Director, presented Sheriff LaMar Guymon with a plaque of appreciation for the Sheriff Department's assistance during the Huntington Heritage Days Celebration.

(2)

LARRY HARRINGTON, DISCUSSION OF STREET LIGHT ON INTERSECTION OF COAL HAUL ROAD, BOTT LANE, AND ORANGEVILLE MAIN STREET.

Larry Harrington, Castle Dale, came before the commission to request a street light on the intersection of Coal Haul Road, Bott Lane and Orangeville Main Street. He had a petition signed by citizens in the area who are concerned about the poor visibility of the intersection. The proposed site was determined to be on the county side of the road with a right of way already in place and a power line to that area. After discussion it was decided to have Road Supervisor, Rex Funk assess the site for the proposed street light, coordinate with Utah Power & Light on the specifics and report back to the Commission.

(3)

SHARON EARL, REPORT ON THE 1997 EMERY COUNTY FAIR

Sharon Earl, Fair Director, gave an overview of the 1997 Emery County Fair expenses, providing a copy of the breakdown of revenues and expenses. She reported on the aspects of the pagaent that this year had fallen under the direction of the fair and were difficult to manage. She discussed the problems associated with the food booths and other concerns. She also reported that during the fair activities the tables borrowed from the Senior Citizens Center were

damaged and will need to be replaced. Sue Jones and Maughn Guymon of the Senior Citizens Department will get price quotes and get them to the Commission.

Sharon Earl submitted her resignation as Fair Board Chairman. She will stay with the board until the books have been cleared.

Linda Jewkes also submitted her resignation as Fair Board Co-Chairman.

Commissioners Wilson, Petersen and Johnson each expressed their thanks and commendations to Sharon Earl and Linda Jewkes for their enthusiasm, dedication, loyal volunteerism and hard work throughout the year to make this a successful county fair. Replacing these two people will be difficult.

(4)

#### CITIZENS CONCERNS

The Commission has received a letter and petition from several citizens requesting to have the swimming pool open throughout the winter. There are two water exercise classes being taught on Monday, Wednesday and Friday by Robyn Snow, one for older senior citizens, the other for younger senior citizens and young adults. There were suggestions that maybe having the pool open would be of benefit for therapy purposes with a little renovation allowing for a lift for lowering the patient into the pool. Commissioner Kent Petersen stated he realizes that the pool doesn't belong to the county, but maybe it is something that Castle Dale City, the County, the Recreation District and the School District could work on together to see if we could keep the pool open year round. The Board of Commissioners suggested that the petitioners talk with Castle Dale City, the Recreation District and the School District and perhaps with a combined effort it may be possible.

Rue Ware asked about the Transient Room Tax. Clerk/Auditor, Bruce Funk reported that there are three motels that we are not receiving transient room tax from. The problem started about 3 years ago when Grand County started collecting their own transient room tax and forgot to notify the Tax Commission Office. That transient tax was paid to Emery County in error. Therefore, we received about \$36,000.00 in transient room tax that the travel council now has to pay back to the Tax Commission that really belonged to Grand County. The travel council has been notified. They will assess their needs and will be working with Commissioner Wilson to determine where they need to go.

Clerk/Auditor, Bruce Funk provided as a matter of public record a detail accounting of the 1997 Emery County Fair to assist the Commission as they determine where they will go for the 1998

Emery County Fair.

Sheriff LaMar Guymon reported that the Emery County Fire Protection District is in need of new trucks. The truck in Green River is down. The repairs would cost more than the truck is worth. Any one of the other trucks that go down now would be a waste of money to fix. Something has to be done about the Green River truck as soon as possible. He has compiled figures on cost of replacement trucks and will have those ready for the Fire Protection District Meeting on Monday, September 8, 1997.

Commission Chairman Randy Johnson, Commissioner Kent Petersen and Leslie Bolinder traveled to Kalispel, Montana to attend a Rural Community Assistance Conference. During the conference a National Rural Community Assistance Award was presented to Commissioner Kent Petersen, Commissioner Randy Johnson, Commissioner Bevan Wilson, Economic Development Director, Rosann Fillmore, Public Lands Director, Val Payne, Public Lands Council Chairman, Tracy Jeffs, Forest Service Area Manager, Charlie Jankiewicz and Utah Center for Rural Life Director, Wes Curtis for the cooperative work on various projects throughout the county modeling how the Forest Service and county government should be working together. The award will be on display in the courthouse for the public to view. This award points to the kind of work that is done through the Public Lands Council and the cooperative effort that is made to find solutions to the problems we have with Public Lands in our area.

(5)

CONSIDERATION AND APPROVAL OF INTERLOCAL COOPERATION AND CONTRACT AGREEMENT BETWEEN ALG AAA, AND EMERY COUNTY.

Maughn Guymon, Director, Area Agency on Aging reported that the interlocal agreement is the annual contract for funding to run the Senior Citizen programs in Emery County. The contract reflects a slight increase from last year. Senior Clerk/Auditor, Brenda Dugmore has looked the documents over and found them to be satisfactory. With the slight increase the contribution match from the county will be addressed at budget time. Commissioner Bevan Wilson made a motion to approve the interlocal cooperation and contract between ALG AAA and Emery County. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(6)

NOTIFICATION OF CARBON RSA LIMITED PARTNERSHIP TAX APPEAL GRANTED BY UTAH STATE TAX COMMISSION.

JoAnn Behling, Treasurer, reported that the county has received an order of approval for Carbon RSA Limited Partnership(CommNet). The state is reducing their value from the original of \$303,

570.00 to \$216,200.00 on last year's taxes which makes a difference of \$926.38 that the county will have to write off. This is state assessed property tax appeal granted by the Utah State Tax Commission. Commissioner Kent Petersen made a motion to approve the adjustment of the taxes for the state assessed property discussed. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

UPDATE OF COURTHOUSE HVAC RENOVATIONS

Dave Harrison, Design West, reported that they are at the last of the checklist. Dennis Fuller has been trained on the unit and feels comfortable with the training he has received. He reported that the time of year is approaching where it will be difficult to know whether to have on the boiler or the chiller. It costs more to run them both at the same time. It can be done but it is something that will need to be looked at and decided upon. Commissioner Wilson pointed out that there is still a hole in his ceiling and condensation is still a problem. Commissioner Petersen pointed out that regulating the air in the conference room is still a problem. The water problem under the building has been corrected.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS.

A. Project acceptance for Ferron Canyon Dip replacement project.

Road Supervisor, Rex Funk has received a final on the Ferron Canyon Dip replacement project from Craig Johansen, Johansen & Tuttle Engineering, that it is built to relevant standards, conditions and codes. Commissioner Bevan Wilson made a motion to accept the Ferron Canyon Dip replacement project. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

Concerning the land trade with Nielson Construction, Rex Funk is requesting extending the six month period to move items off the property to twelve months. He will contact Wayne Nielson, Nielson Construction, to verify and initial the six month clause to make the change in the contract.

The Professional Building demolition bid has been awarded to Associated Gutters & Siding, Incorporated from West Valley, Utah. Work will begin in approximately two weeks. Rex Funk encouraged the public to stay clear of that side of the street or walk around the barricades during the demolition.

The Road Department is in a quandary. They are thinking El Nino will probably be a significant force this year. They are doubling up on the snow removal sand and salt, expecting the worst.

He anticipates opening the bids for the scales for the Landfill at the next Commission meeting. He asked to have it put on the agenda.

UDOT has called and needs a letter from the Commission saying that they have reviewed the low bidder on the two FAS Bridge Replacement Projects. UDOT has awarded the project to the low bidder, Wadsworth Brothers Inc. for \$992,988.37. Craig Johansen, Johansen & Tuttle Engineering has prepared the letter. Commissioner Bevan Wilson made a motion to approve and sign the letter to forward to UDOT. Commissioner Kent Petersen seconded the motion and added that the Commission reviewed the bids while at Commission meeting held in Green River on August 27, 1997. The motion was approved by all members present.

To follow up Commissioner Wilson shared a prepared summarization of the tour and monthly meeting of the Utah Transportation Commission held here in Emery County. The summarization was prepared to include the recommendation from the Board of Commissioners to set back the project known as the Legacy Highway. Commissioner Wilson requested that each of the Commissioners sign the letter. Hopefully good things will come of it. The letter was signed by the Board of Commissioners.

The Board of Commission has received a letter about the financial responsibility on the landfill permitting. This has to brought to the table and a decision has to be made as soon as possible. Commissioner Wilson requested documents or whatever is needed so the county can respond to the state or prepare a plan of cash investment into the existing fund. Rex Funk reported on the EPA's requirement of an active municipal landfill to show some form of financial recognizance or ability to fund a third party closure, an emergency level funding should be in place should you default. In addition there needs to be a pool of money for monitoring and reclaiming the land. He reported that this amount is around \$250,000.00. The EPA allows five years to come up with that fund. Rex Funk continued to report on the other requirements of the EPA. Commissioner Wilson requested coming to the table with all the people needed to make this finalization complete.

DISCUSSION OF LITTLE BEAR CAMPGROUND/BALL COMPLEX IMPROVEMENTS  
AND ASSOCIATED COSTS.

Recreation Director, Shannon Hiatt, presented a request for improvements at the Huntington Ball Complex and Little Bear Campground. Commissioner Bevan Wilson explained that some of these improvements were on the list to be done in 1996 prior to turning the facilities over to the Recreation District. The Recreation District does not have the funds for capital improvements to complete the projects at this time. Shannon Hiatt reviewed some of the projects with the Commissioners. He suggested doing as much of the concrete work now so as to break up the cost, beat the frost and not hamper the use of the facilities in the spring. After some discussion on the financial and legal aspects of these projects Commissioner Kent Petersen made a motion to proceed with the projects identified as 1997 projects and to have the Recreation District direct the bidding. The funding will be provided by the county. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

DISCUSSION OF PURCHASE OF NEW VEHICLE FOR NURSING HOME.

The Emery County Nursing Home needs to replace their vehicle which was wrecked. Commissioner Kent Petersen discussed the financial strain on the money budgeted for these types of purchases due to the Heritage Management/Emery County/Nursing Home lawsuit. The Board of Commissioners discussed the extent to which the County is involved in these kind of purchases and the need to see that our elderly are cared for. Commissioner Kent Petersen recommended having Sheriff Guymon get some bids on a new vehicle to be looked over at the next Commission meeting.

(11)

DISCUSSION OF FCC TELEVISION FREQUENCY CHANGES.

Commission Chairman Randy Johnson made some calls to Washington to find out the procedures for and future of FCC frequency changes. The word he got was that this is far less alarming than KSL Editorial had made it out to be. He spoke with Congressman Cannon's office who informed him that the selling of the frequency changes was something they were looking at regardless of the change to digital, not here but in other areas where they could convert them to possibly law enforcement and different things. That procedure is not as threatening as KSL made it sound. The way it came out connected with the digital change over made it look like they were going to go to all digital and sell off all other frequency leaving us no alternative. That is apparently not true. The television stations for now are not planning to convert completely to digital but that they would send out two signals, digital and conventional, and then slowly over time as digital becomes less expensive and more expansive those conversions would

be made. For now it is intended to meet a specific audience that would benefit from large screen reception. Commissioner Johnson suggested it is something that we need to keep a strong watch on and stay on top of the progression. However, the word he has received is not corresponding with the urgency expressed by the KSL Editorial. Commissioner Johnson will coordinate with County Communications, Brett Mills and will watch the future of this conversion to digital.

Sheriff Guymon informed the Commissioners that they will be installing the new repeater station on the Henry Mountains on October 1, 1997 and invited the Commissioners on a tour of the new station.

(12)

REPORT ON COUNTY MONIES INVESTED IN UAC INSURANCE MUTUAL FUND.

Commissioner Bevan Wilson reported on the UAC Insurance Mutual Fund Board meeting held in the courthouse. JoAnn Behling, Commissioner Wilson and Bruce Funk attended the meeting where Bruce Funk informed the Board on the history of the creation of the Insurance Mutual. There were five counties who put together the monies to get this fund going. It was intended that somewhere down the road these counties would get that money back. It appears that this year the Mutual Fund will have enough cash and assets on deposit to be financially stable. These reserves called 'debentures' are earning 1% more interest than they would in the State Treasurer Fund. It appears that the Insurance Mutual is a sound, stable company. Commissioner Wilson recommended leaving those debentures where they are earning the added interest.

(13)

CONSIDERATION AND APPROVAL OF FALCON CABLEVISION FRANCHISE ORDINANCE.

County Attorney, David Blackwell explained that the Falcon Cablevision Franchise Ordinance needs to be rewritten and he is working on getting that done.

(14)

DISCUSSION OF AVAILABILITY OF GRANT FUNDS FOR MASTER PLAN



DEVELOPMENT AND IMPLEMENTATION.

The Board of Commissioners received a letter from the State Governor's Office of Planning and Budget stating that they are accepting proposals from counties for extra funding in regards to county plan implementation and development. The deadline for this is October 1, 1997. Commissioner Wilson explained that the funding the county received for Phase I was for creating the plan. Phase II is for implementation of the plan. The letter stated that if your county had previously received funding for planning development, you should consider applying for this extra funding. They will proceed to follow up on this application for implementation of Phase II.

(15)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented to the Commission for their consideration the Warrant/Check Edit List #103385 through and including #103415 for payment.

There were two requisitions presented for approval.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
43-97	2-6' Harrows Race Track Arena	\$ 480.00	Approved
44-97	Virus Scan/Net Shield Ste Data Processing	1,749.00	Approved

Commissioner Kent Petersen made a motion to approve the Warrant/Check Edit List and requisitions for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball presented the following personnel actions for consideration and approval:

#### Sheriff's Department

Sandy Grim, Corrections Officer II, has been recommended for a one-step merit increase effective on her anniversary date of August 27. She will go from 9E \$9.95/hr to 9F \$10.16/hr. Motion to approve the merit increase was made by Commissioner Kent Petersen. Motion to second was made by Commissioner Bevan Wilson and approved by all members present.

As Detectives, Les Wilberg and Tom Harrison received \$50.00 per week for being "on call". They have each been promoted to Sergeant and are no longer eligible for "on call" pay.

Upon promotion to Detective in June, 1997, J.D. Mangum and Bob Blackburn became eligible for the \$50.00 per week for being "on call". Motion to approve of the "on call" action was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all members present.

Bret Mills is working under the FLSA Belo Agreement dated July 3, 1996. Such as agreement requires regular review. Summer scheduling for a review has not been possible. It is requested that approval be given to increase Bret the equivalent of the automatic anniversary one-step increase with the intent that review of the Belo Agreement will take place as soon as possible. Motion to approve the action with the conditions discussed was made by Commissioner Bevan Wilson, seconded by Commissioner Kent Petersen and approved by all members present.

#### Road

Jeanette Leffler has been recommended to progress from 7E \$9.16/hr to 10B \$9.75/hr effective on her anniversary date of August 3. This movement is the equivalent of the automatic annual increase which was postponed for the purpose of acquiring more experience and skills. Motion to approve the increase was made by Commissioner Bevan Wilson, seconded by Commissioner Kent Petersen and approved by all members present.

#### RSVP

It was recommended that Shanna Davis be hired as RSVP Coordinator, less than 20 hrs/wk., no benefits, 4A \$7.43/hr effective September 8, 1997. She is

replacing Sandra Jewkes who resigned. Motion to approve hiring Shanna Davis was made by Commissioner Kent Petersen. Commissioner Bevan Wilson stepped out of the room for a moment so Commission Chairman Randy Johnson stepped down to second the motion. The motion was approved by all members present.

### Personnel

Pat Snowball, Personnel Director, proposed that county employees working in the courthouse be able to attend a monthly meeting which would be the equivalent of a staff meeting in other departments but which would address self-help and on the following job skills:

- Customer Service Skills
- Communications Skills
- Ergonomics
- Off The Job Safety
- Stress Management
- Diet and Exercise
- Cholesterol
- Fitness and Exercise
- Workplace Violence
- Alcohol/Drugs
- Office Safety

The Extension Office is a great resource and she recently received a book with hundreds of videos.

Each session would be short-thirty minutes. It would be voluntary but if the employee chose to attend, it would be compensated time.

There was some discussion on this proposal. It was the consensus of the Commission to have Pat Snowball check with the department heads to get their input on this proposal and ways this service could be used to benefit their department.

For your information, as of September 1st, by Federal Law, the minimum wage will increase from \$4.75/hr to \$5.15/hr. This will affect any employee who currently receives less than \$5.15/hr.

Also for your information, she told of the free service provided to us by our reinsurance company called TelMed. This is a call nurse available 24 hours a day. The person you reach is medical professional. She requested sending the brochures telling about this free service, to the homes rather than including them

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with the paycheck. Permission to do this was given.

(17)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.

The Commission Meeting minutes dated August 27, 1997 were tabled until next meeting.

(18)

COMMISSION REPORTS

**KENT PETERSEN**

Commissioner Petersen reported on the recent UAC Mutual Insurance Fund Board Meeting. He has been put on another committee, created to look at the overall UAC Mutual Insurance Company to see if there are any changes needed in their policy. Discussed in the Insurance Mutual Meeting was the Special Districts exclusion from coverage. They discussed the possibility of covering these districts and will continue to be looking into this.

**BEVAN WILSON**

Commissioner Wilson reported on the Emery Clinic's plan to build a new clinic. With this construction there is a need to house two ambulances. Commissioner Wilson asked Rex Funk if perhaps the old Road Shop could be used for this purpose. Rex Funk indicated this would be possible. Commissioner Wilson will get with Rex Funk and Sheriff Guymon to accommodate the clinic during the construction of the new clinic.

(19)

EXECUTIVE SESSION FOR PERSONNEL CONCERNS AND LITIGATION.

Motion to move into Executive Session to discuss Personnel Concerns and Litigation was made by Commissioner Kent Petersen, seconded by Commissioner Bevan Wilson and approved by all

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members present.

(20)  
ADJOURNMENT.

Upon return to regular meeting Commissioner Bevan Wilson made a motion to adjourn the meeting. The motion was seconded by Commissioner Kent Peterson 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**

**September 17, 1997**

Present at the meeting were Commissioners Randy Johnson, Bevan Wilson and Kent Petersen, County Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 4:00 P.M. by Commission Chairman Randy Johnson.

(1)

**PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.**

Pat Snowball, Personnel Director, introduced Jeff Christensen, Human Resource Consultant, for Brinton-Banyai Corporation. This is the consulting company selected to assist the county in surveying wages and helping update job descriptions. Mr. Christensen presented to the Board of Commissioners his proposed changes for salary grades. He is still working on job descriptions. He asked the Board of Commissioners to review the proposed changes on salary grades for employees. There needs to be some work with the Clerk/Auditor's office to determine how it would impact the budget and cost of living adjustments. The Commission will then need to work with Mr. Christensen and the Compensation Committee to amend the proposed changes it needs or develop a plan for implementing the changes. Once the proposed changes have been approved at some level by the Commission then Jeff Christensen and Pat Snowball will take the information to the employees. All the employees would then have the opportunity to appeal any of the recommendations. This would be a formal process of looking at the salary survey data, internal evaluation data or their job description data and asking for an additional review of that data. The process at this point is for the Commissioners to work with the Clerk/Auditor's office to look at proposed impacts on the budget. Adoption or an amendment on the proposed changes would have to be done in Commission Meeting. Appeals will be handled through the Brinton-Banyai Corp. office and Mr. Christensen. The employees will be instructed on that process. Today's report from Mr. Christensen is just a '*we're at this point*' report.

Pat Snowball, Personnel Director, presented the following personnel actions and insurance matters for approval:

Recorder

The Recorder's office request approval to hire Sharon Boyle as Deputy Recorder I, 4A \$7.43/hr., effective September 15, 1997.

**Commissioner Kent Petersen made a motion to approve the hiring of Sharon Boyle at the rate and scale described. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

Sheriff's office - Electronics Specialist Helper

The Sheriff's Department request approval to hire in the temporary up to 90-day capacity Andy Sherman, at \$5.15/hr effective September 8, 1997. Andy will help Bret Mills.

**Commissioner Kent Petersen made a motion to approve the hiring of Andy Sherman at the rate and scale described. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

Insurance

Mrs. Snowball presented a damaged vehicle claim to the Commissioners for their advisement. The claim was at the Green River Ambulance Garage. One our EMT drivers backed out of a parking spot and hit another car in the door. The other driver provided three estimates for repair. Since the car is ten years old, all of the estimates related that it would be impossible to match the paint. **After some discussion Commissioner Bevan Wilson made a motion to authorize Pat Snowball to negotiate an offer of \$1,017.19 for repair of the door and 1/3 of the cost for a new paint job. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

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APPROVAL CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Deputy/Clerk Auditor Terry Williams presented to the Commission for their consideration the Warrant/Check Edit List #103727 through and including #103921 for payment.

The following requisitions and dispositions were presented:

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
45-97	Computer-Corrections Sheriff's Department	\$ 1,321.00	Approved

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>	<u>ACTION</u>
146-5993	Cell phone-Assessor		Approved
141-5187	Computer-Clerk/Auditor	Parts	Approved
141-4980	Computer-Clerk/Auditor	Parts	Approved

The Board of Commissioners has received a request from the Wayne Wilberg and Swasey family for the two old 24" X 30' I beams presently being stored at the Nielson Pit in Huntington. Rex Funk, Road Supervisor explained that they are part of the salvage that will have to be moved as a result of the land trade with Nielson Construction. He explained the situation in which the county had previously donated salvage items, as is, no claims, salvage only. He also explained where and what the I beams would be used for by the families requesting them. Commissioner Bevan Wilson requested that there be a disposition written up on the salvaged I Beams so as to track where they went. Rex Funk will prepare the disposition.

**Commissioner Kent Petersen made a motion to approve payment of the Warrant/Check Edit List, the requisitions and dispositions including the disposition of the I beams. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(3)  
NATHAN JOHANSEN, DISCUSSION OF ESQUIRE ESTATES TRAILER PARK AND



RELATED MATTERS.

Nathan Johansen was not able to be to the meeting. Commissioner Bevan Wilson suggested letting this zoning ordinance be handled by Castle Dale City. The Commission will stay informed of the progress. They will review the findings and report back to the public when they have more information.

(4)

**5:00p.m. PUBLIC HEARING- To receive public comment on whether the Emery County Commission should accept and add the Des Bee Dove Road to the county road system in order to provide public access.**

Commissioner Bevan Wilson provided opening remarks. Emery County had received word that Energy West was going to reclaim the road from Des Bee Dove Road to the haul road State #57. In discussion with Energy West, the road department looked into an option of Emery County taking over jurisdiction of this road and leaving it open to provide public access. Through the Mine Reclamation Plan this road would be put back to its original state if the county does not assume ownership of the road. The county had a meeting with Energy West to discuss the options the county might have if they did take it over. Drafts are being put together by Johansen & Tuttle Engineering as to the scope of work that will have to be done to bring it up to an acceptable standard before the county could take it over. When the scope of the work with the cost estimates is complete, it will be reviewed by the county staff and put back out to Energy West for further discussion. The old existing trails would remain if the reclamation by Energy West did happen. Commissioners Wilson, Commissioner Petersen, Howard Tuttle, Rex Funk and Val Payne took a tour of the road to assess the county's option. If the end result of this Public Hearing is to assume the road into the county system, then they would look at some turnaround areas and parking areas. If the county does not opt to take it over then under the mine plan Energy West would be required to reclaim the road. It would revert back to its natural state, no longer be a road or be allowed public access.

Commissioner Wilson's opening comments were echoed by Road Supervisor, Rex Funk, adding his support for leaving the road open. He gave details of the procedures for maintaining the road if returned to the county system. Public comment was received from Mark H. Williams and Larry Harrington, citizens of Castle Dale, Val Payne, Public Lands Director, representatives from Texaco Oil, who are utilizing the road with their coalbed methane production, as well as each of the Commissioners, in support of leaving the road open for public access.

**Commissioner Bevan Wilson made a motion to close the public hearing. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

**Commissioner Bevan Wilson as a result of this public hearing made a motion to pursue negotiations with Energy West and Emery County to work on a plan to bring the road to an agreeable standard, to coordinate with County Attorney David Blackwell to prepare the documents to transfer the road to the county system. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(5)

**6:00p.m. PUBLIC HEARING- To receive public comment on whether the Emery County Commission should include the plant: PURPLE LOOSESTRIFE as a county noxious weed.**

Weed & Mosquito Director, James Nielson, explained the origin of Purple Loosestrife. This plant is an exotic, perennial weed from Eurasia. The last several years it has come to the forefront of discussion and activities of those who are involved in the wetlands. It is the only plant that he is aware of that is a threat to our wetlands. There are no natural controls for Purple Loosestrife. Emery County has the only known infestation of that plant on the Colorado River Drainage. For that reason there are a lot of individuals, involved with invading weeds in the United States, that are keeping an eye on what we can do with this weed in Emery County and what we are willing to do. There are other agencies concerned about this problem but have no legal recourse to support us in the control of a weed that hasn't been declared a county noxious weed. If the county were to declare it as a county noxious weed then these agencies would some justification to help us in control whether that be financial, manpower, equipment, chemical or insects. The county has been involved in controlling the weed since we became aware that it was a threat to us. The county's position on a noxious weed is that if an individual has that particular weed on their property the county will come in on their property and help them control those weeds at no cost to the individual up to a certain dollar limit on chemical. If we declare this a noxious weed we won't be going on to people's property and doing things that they don't want us to do. We will be doing the same kinds of things that we are doing with the other weeds that are already on the state noxious weed list. If we were to declare it as county noxious weed it would fall under the same category as the state list. An individual who had a bout on their property would be required by law to control it or they could be charged with harboring a public nuisance. There are a lot of people who have other noxious weeds on their property but we have never yet in Emery County gone to an individual and made that charge against them. The law is in place to where we could require them to control the weed and if they didn't do it we could control the weed and place those cost incurred during the control effort as a waiver against their property which would have to be settled at the time they pay taxes in the fall. Emery County has taken a very friendly approach toward controlling noxious weeds. Mr. Nielson believes there is not another county in the state that goes in on private property and offers a hand of help in controlling weeds. He is very happy and proud of Emery County's Weed program. He applauded the Board of Commissioners for the position they have taken to extend a hand of help

to the control of these weeds. The weeds on the noxious weed list are a threat to us in one way or another. We pay for them more by not controlling them than we do if we make the effort to control them. Mr. Nielson read a statement from the state weed specialist. In Mr. Nielson's final remarks he explained the reason that Purple Loosestrife has not been declared a state noxious weed is because it is not that common throughout the state and they don't know what to recommend to control it. Any time the state declares a weed noxious they have to be able to give a recommendation for controlling the weed. He explained the way that this weed has worked its way into the county and is spreading. He reiterated the reasons for having this weed put on the county noxious weed list.

Road Supervisor, Rex Funk commended James Nielson for his efforts and the excellent job he is doing for the county.

Jay Mark Humphrey, Orangeville reported on the many places he has seen this weed's infiltration. His question to the Board of Commissioners was; Is the county willing to put enough resources into it to control it rather than just contain it? He reported how much he has paid this year to control the weed on his properties. Are you up to the commitment? This is the most aggressive weed you have.

James Nielson explained the process they use for controlling the weed and the things that have been successful.

Mary Johnson, Huntington reported on the infiltration she has on her property in Huntington Canyon. She wondered if cutting the weeds and burning the clippings would work. Mr. Nielson explained that they propagate through the roots. She also wondered if there were any natural things that could be done as she would be doing some organic farming and would not like to have the chemicals used. Mr. Nielson explained about the insects that his department has been using as part of the effort to control the weed.

Harold Weaver, Superintendent at Desert Lake Water Fowl Management Area, reported on the problems related to management of the water fowl and the infestation of the purple Loosestrife around the lake. He praised James Nielson and the Weed Department for the work they are doing in and around the Cleveland, Elmo area as it does him no good to try to control the weed if it is coming into the lake from these areas. He has made an effort to control as much of the weed as is possible but there is a lot to do. He appreciates any help that comes from upstream. While he can't promise that his agency could actively contribute they will certainly help to the amount that they can. He feels that there are other agencies with concerns like the U.S. Fish & Wildlife Services and the state of Utah who stand to lose a lot. The Division of Wildlife Resources feels that Purple Loosestrife should be considered a noxious weed for treatment purposes.

**Commissioner Bevan Wilson made a motion to close the public hearing. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

**As a result of the Public Hearing Commissioner Kent Petersen made a motion to declare Purple Loosestrife a noxious weed and to have County Attorney David Blackwell prepare a resolution to that effect. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(6)

CITIZENS CONCERNS

Commissioner Kent Petersen had two items of interest proposed to the County Commissioners as an added benefit to county employees. The first proposal was from CommNet Cellular for a \$8.00 per month ( thirty minutes) government rate to county employees as a group. It is no added cost to the county. The second proposal came from Errol Holt, Zions Bank. They have a program called Affinity Banking Program which offers several benefits to the employees if the county signs up as a group. Commissioner Kent Petersen suggested having Pat Snowball, Personnel Director, look over the two offers and come to the Commission with a recommendation.

(7)

ROAD DEPARTMENT/LANDFILL ITEMS

**Bid opening for purchase of landfill scales.**

Commission Chairman Randy Johnson opened the bids for the 70' x 10' mechanical, electronically assisted pit scale for the landfill. The first bid was from Atlas Scale Company from Elsinore, Utah for \$36,505 for the 60 ton scale and \$40,505 for the 80 ton scale. The second bid was from Fairbanks Scales from West Valley City, Utah for \$36,451.00 for the 60 ton scale and \$41,026.00 for the 80 ton scale. Rex Funk recommended accepting the bid from Atlas Scale Company for the low bid of \$40,505.00 for the 80 ton scale. **Commissioner Bevan Wilson made a motion to accept the low bid from Atlas Scale Company for a 80 ton scale. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

**Update on street light at Intersection U57 Haul Road**

Last Commission meeting Rex Funk was given the assignment to look into putting a street light at the intersection of U57 Coal Haul Road, Orangeville Main Street and Bott Lane. Norm Smith, PacifiCorp, met at the intersection with Rex

Funk and Larry Harrington, Citizen of Castle Dale who made the original request. Utah Power & Light has indicated that they can put a light at the intersection which would illuminate the area of concern. They will add the monthly agreement and billing of \$11.05 for the light to the Hunter Plant lights billing.

**Commissioner Kent Petersen made a motion to authorize Rex Funk to proceed with the negotiation of the contract with Utah Power & Light for placement of a light at the intersection discussed and to bring the contract to the Commission for review. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. The Commission will need to prepare a letter of request to go with the contract agreement.**

Commissioner Bevan Wilson expressed some concern that approving of this will set a precedent for allowing other such projects. It was the consensus of the Commission that if it does happen those projects will be dealt with on a case by case basis.

(8)

DISCUSSION OF GOBLIN VALLEY ROAD PROJECT AND CONSIDERATION FOR 1998 PHASE II.

Road Supervisor, Rex Funk reported that the county has received matching funds from the State Parks Access Fund for Phase I of the Goblin Valley Road. At the time of the hearing we advised them that there would be a succession of phases and that we would be back. We have received a letter indicating they would have a hearing in Monticello advising of some changes to the program. Comments are invited. Johansen & Tuttle was asked to put together some cost estimates for the phases over the years. Rex Funk is asking the Commission if they want to make this a continual annual project where we go back every year, or are we going to pace the phases out to a schedule. The availability of money is the issue. The Road Department had to come up with \$250,000.00 this year to match the state for Phase I. Rex Funk would like to see Phase II completed in 1998. Commissioner Bevan Wilson explained that the program is an eight year program funded at \$500,000.00 per year. This is the first year of the program with Emery County receiving \$250,000.00. Commissioner Wilson is scheduled to attend a meeting where the Sub-Committee off the Joint Highway Committee will be accepting applications for three years funding. This sub-committee wants to recommend to the joint highway committee that they fund three years out. This way the entities that get the funding can make their plans and have them approved and find their matching funds. Emery County is prepared to submit the rest of the phases for this project but with that there needs to be a commitment for the funding of the match. Howard Tuttle, Johansen & Tuttle Engineering provided a breakdown of the cost estimates for each of the phases to complete Goblin Valley Road. The total project is projected to cost \$3,000,000.00. The program itself is guaranteed for eight years however the distribution of the funds is not guaranteed. Commissioner Wilson is asking for the Commissions

recommendation as to whether to ask for three years funding (Phase II,III, & IV) with the commitment to fund the match. **Commissioner Bevan Wilson made a motion to make the application for the next three years funding and to authorize Bevan Wilson to sign any necessary documents. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(9)

DISCUSSION OF BLM OHV ROAD / TRAVEL PLANS.

Val Payne, Public Lands Director addressed the Commission with a report of the BLM's process of finalizing one aspect of their resource management plan. This plan which was developed and concluded in 1991 did not include addressing a travel plan (off-highway or all terrain vehicle) aspect of that plan. A committee was formed to advise the BLM on the desires of OHV enthusiast in identifying roads that ought to be left open. The BLM was looking at roads that would remain open and those that should be closed from their perspective. The process wasn't actively pursued until recently. Under a new area manager it was desired to bring that to a conclusion and finalize all the details in the resource management plan. That process is under way now. BLM has prepared their proposed off-highway plan and will present it at official open houses beginning October 6, 1997 at the Emery County Courthouse with subsequent open house sessions in other areas throughout the state. The opportunity for public input exists. Mr. Payne encouraged all those with interest in access to BLM ground, access to the Swell, to be involved. There are certain roads with high interest that have garnered a lot of comments through this overall process. It was indicated that they have received over four hundred letters during this several year process with interest on both sides of the issues. The time frame for the overall process is predicted to be the end of 1997. The official thirty day comment period will start October 15 or thereabouts after the public open houses with the close of the comment period being around November 14, 1997.

Commission Chairman Randy Johnson stated his opposition to closing any roads because of the RS2477 issues in the courts now. However he is not opposed to cleaning up some of the roads by providing a good OHV route that is used carefully with a couple of trails that head off to a view that could be easily walked to without leaving the tracks. He praised Dick Manus, BLM Area Manager, for his efforts to fuse some common sense into the parameters he is bound by as area manager. He encouraged everyone to provide public comment on these roads and the plan. There are some roads and trails that have some historic use that we do need to try to keep accessible.

Commissioner Kent Petersen added that because we have been active and the efforts of our Public Lands Council that the BLM is recommending that some roads stay open that they probably wouldn't have left open if they had done this two or three years ago. In addition to Commissioner Johnson's comment, he recommends that we become familiar with what the BLM

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is recommending and make comments on that so that they don't get a lot of comments that say the same thing.

Val Payne suggests that our letters include, if you feel so inclined, support for the action in the areas where we strongly support what they are proposing. Identify your issues.

Commissioner Kent Petersen suggests our comments should include applause for keeping roads open just as much as opposition to closing roads.

(10)

CONSIDERATION AND APPROVAL OF CONTRACT AGREEMENT BETWEEN SEUALG, AREA AGING, AND EMERY / GRAND RSVP.

**Commissioner Kent Petersen made a motion to approve the contract agreement between SEUALG, Area Aging and Emery/Grand RSVP. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(11)

DISCUSSION OF ANNUAL UAC GIFT.

In last Commission meeting the department heads and elected officials were given the assignment of finding a gift for UAC. After some discussion it was decided to assign Leslie Bolinder to pursue having Jay Frandsen handcraft an item for around \$100.00.

(12)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.

**Commissioner Kent Petersen made a motion to table the Commission Meeting minutes dated September 3, 1997. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

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(13)  
OTHER BUSINESS

Howard Tuttle, Johansen & Tuttle Engineering reported to the Commission that Associated Curb & Gutters, contractors who were awarded the bid for the demolition of the Professional Building, are in violation. They are not able to come up with the liability and bonds. Associated Curb & Gutters offered a cashier's check to cover the bid bond and the performance bond for \$28,000.00. J&T has received word from the contractor that they want to pass on the bid. Mr. Tuttle has not been able to contact the contractor. The county has the option of terminating his contract, keeping his bid bond which is \$1,400.00 and moving on to the next bidder. The next bidder were Minchey Digging for \$36,000.00 and MacKay Kim for \$38,000.00. After some discussion on the county's options and legal advise from County Attorney David Blackwell it was decided to terminate Associated Curb & Gutters and hold their cashier's check. The Board of Commissioners authorized Howard Tuttle to contact Minchey Digging to find out their status. If necessary he will move down the list of bidders. This project should have been going by now and they want to get it done as soon as possible. Mr. Tuttle will contact Associated Curb & Gutters about their termination.

(15)  
EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL CONCERNS.

**Commissioner Bevan Wilson made a motion to adjourn to executive session to discuss litigation and personnel concerns. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(16)



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ADJOURNMENT

**Upon returning to regular meeting Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson 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**

**October 1, 1997**

Present at the meeting were Commissioners Randy Johnson, Bevan Wilson and Kent Petersen, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 A.M.

(1)

**CONSIDERATION AND DISCUSSION OF SELLING COUNTY-OWNED PROPERTY  
#01-0199-0032.**

Scott McArthur, Huntington, came before the Board of Commissioners to discuss county-owned parcel of land in Huntington #01-0199-0032. This property is contiguous to property owned by Kim Earl, Chester Brasher, Gordon Olsen and Scott McArthur. His purpose for requesting this discussion is to 1. Take care of the property, which is in a state of extreme disrepair at this time. 2. Identify the contiguous parties to the property, to identify their intentions. 3. Alleviate any misunderstandings that may have come about. The record search has been completed by Jim Bartorelli, Southeastern Title Company. While looking over a map of the property of concern the Board of Commissioners entered discussion with Scott McArthur, Kim Earl and County Assessor Jim Fauver. The concern of Mr. McArthur is to not have it used as a public access or access to adjacent properties. They discussed the selling of the property which would have to be done according to Emery County guidelines. The Commissioners determined that they can not make any decisions at this time. They will have the Recorder, Dixie Swasey, County Attorney, David Blackwell and Jim Bartorelli get together and make recommendations to the Commission.

(2)

**CONSIDERATION AND APPROVAL OF RESOLUTION DECLARING PURPLE  
LOOSESTRIFE A NOXIOUS WEED IN EMERY COUNTY.**

**As a result of the Public Hearing held on September 17, 1997 Commissioner Bevan Wilson made a motion to approve and sign Resolution 10-01-97 declaring PURPLE LOOSESTRIFE as a noxious weed in Emery County. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

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(3)

CITIZENS CONCERNS

Commissioner Bevan Wilson discussed an opportunity to do some asphalt around the parking area at the Huntington Ball Complex. This project is on the list of projects which were approved in September 3, 1997 Commission Meeting for completion in 1997-98. Shannon Hiatt, Recreation District Director, made a request to do the asphalt work now instead of spring 1998 to get the lower price and save some money on the project. He can juggle some of the projects from 1997 to spring of 1998 to offset the cost. Johansen & Tuttle Engineering has an estimate from Valley Asphalt at \$2.00 per ton less if done now. After some discussion on this matter and the cash flow problem experienced at this time Commissioner Kent Petersen suggested deferring this decision until later in the meeting to allow time for looking over the money situation.

In other citizens concerns Commission Chairman Randy Johnson relayed that the county receives numerous requests from various corporations and organizations for mailing lists of our citizens in the county. These lists are regularly shared by other corporations and agencies. The Emery County Board of Commissioners is hesitant to do that. The question came up, do they have the right under the GRAMA ACT to insist on these list. The decision was, probably not, because they are used for commercial purposes. The purpose of bringing this up today was to assign County Attorney, David Blackwell, to check on the GRAMA requirements and to put it on the agenda for next meeting to open up for discussion.

(4)

REVIEW AND CLOSURE OF BOARD OF EQUALIZATION.

Emery County Assessor, Jim Fauver reported that the Board of Equalization went very smoothly this year because they were able to pre-address some of the requests. Reductions amounted to approximately \$192,000.00 amounting to approximately \$2,000.00 dollars to the county. Commissioner Bevan Wilson made a motion to close the Board of Equalization for 1997. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(5)

CONSIDERATION AND APPROVAL OF CONTRIBUTION TO MONUMENT LAWSUIT.

The Board of Commissioners has received a letter from Utah Association of Counties requesting a contribution to help in the mitigation of the monument lawsuit. All the counties are in favor of this and will be contributing to this effort, except for Salt Lake County who has said they are not in favor of pursuing the monument lawsuit. The requested contribution is \$3,500.00. This

contribution will strictly be used for the monument lawsuit as UAC is not asking for any more money for the reinventory lawsuit at this time. Commissioner Kent Petersen commented that the monument lawsuit does not have a direct effect at this time on Emery County. However, the lawsuit is a philosophic impact of interest for us. After some discussion on available funds for this type of contribution Commissioner Kent Petersen made a motion to contribute \$3,500.00 as soon as County Treasurer, JoAnn Behling says it is a good time to use the funds. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

SETTING OF PUBLIC HEARING DATE FOR 1998 TENTATIVE BUDGET FOR EMERY COUNTY GENERAL FUND, CLASS B ROAD, CENTENNIAL COMMISSION, EMERY COUNTY EMERGENCY E-911, RSVP, TRANSIENT ROOM TAX, ECONOMIC DEVELOPMENT, LIBRARY, CAPITAL PROJECTS, CASTLE VALLEY SPECIAL SERVICE DISTRICT.

Clerk/Auditor, Bruce Funk, discussed with the Board of Commissioners the procedures and deadlines for adopting the 1998 budget. Commissioner Kent Petersen made a motion to set October 15, 1997 at the regular Commission Meeting as the date to receive the tentative budget. Budget work meetings will be held on October 29, 1997 for refining the budget prior to the Public Hearing set for December 15, 1997 at 6:00 P.M. to receive public comment and input on the tentative budget. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

FINAL APPROVAL OF 1997 CERTIFIED TAX RATES.

Senior Clerk/Auditor, Brenda Dugmore, reported on the final 1997 Certified Tax Rates. The rate set for Emery County is .004000. Castle Valley Special Service District is .003091. Emery Water Conservancy District is .000326. Commissioner Kent Petersen made a motion to approve the final 1997 Certified Tax Rates. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS.

Road Supervisor, Rex Funk, reported that Minchey Digging, being the next low bidder on the professional building demolition, has been contacted by Howard Tuttle, Johansen & Tuttle

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Engineering, to see if they are interested in the job. They have indicated that they are interested and are in the process of getting a demolition license, bonds and other documents in place.

The landfill scales have been ordered. They are getting the pit dug and preparing for the installation.

Regarding the financial assurance for the landfill. Carol Ware has met with Senior Clerk/Auditor Brenda Dugmore to assure they have everything in place and are in compliance. Carol Ware and Rex Funk will work on getting the landfill permits finished up.

(8)

UPDATE OF COURTHOUSE HVAC RENOVATIONS AND APPROVAL OF CERTIFICATE OF SUBSTANTIAL COMPLETION.

Dave Harrison, Design West, reported that the renovation is complete. He gave an overview of the thermostat explaining the auto set. He will provide explanation cards to display at each thermostat. He presented a Certificate of Substantial Completion for the Commissioner's signatures. Commissioner Kent Petersen made a motion to authorize Commission Chairman Randy Johnson sign the Certificate of Substantial Completion for the courthouse HVAC renovations. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

ROBERT DREW, AFLAC REPRESENTATIVE, DISCUSSION OF ADDITIONAL INSURANCE BENEFITS FOR COUNTY EMPLOYEES.

Robert Drew, AFLAC's District Sales Coordinator provided an overview of the benefit programs his company has to offer. Our county has several employees already enrolled with AFLAC; a supplemental coverage for accident/disability, cancer, hospital supplement, intensive care, Medicare supplement, life, and long-term disability. He would like to make himself available to those who are already enrolled and for those who might be interested in enrolling with AFLAC. He is asking to have a day to be in the courthouse and available. Commission Chairman Randy Johnson does not have a problem allowing him space for a day to service employees. He would like to check with the department heads to get their input, make a decision and get back with them.

(11)

APPROVAL OF LIBRARY BOARD APPOINTMENTS.

Jerilyn Mathis, Head Librarian, recommended Shirley Jorgensen, Ferron, Jimie Dawn Jones, Huntington and Glenna Sasser, Orangeville for the Library Board appointments. Commissioner Bevan Wilson made a motion to approve the appointments of Shirley Jorgensen, Jimie Dawn Jones and Glenna Sasser to the Library Board and commend them on their willingness to serve. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(12)

CONSIDERATION FOR SPONSORSHIP OF HABITAT FOR HUMANITIES AND CBDG PROGRAM.

Habitat For Humanity of Castle County Board member, Sylvia Nelson, came before the Board of Commissioners as an official representative of that program, to request sponsorship for a Community Development Block Grant. HFH is applying for a grant for \$42,000.00 to be used for purchasing lots or the infrastructure of homes. They are looking to purchase lots in Huntington, Castle Dale and or Elmo. If land is donated then grant money can be used for providing water/sewer hook-ups/utility hook-ups, but cannot be used to actually build the dwelling itself. The necessary paperwork will be generated by the Habitat For Humanity's board appointed project manager Kelli Ann Kirk. As a sponsor for the grant, the county will have to do a minimal amount of paperwork near the completion of the project. Mrs. Nelson reiterated that Habitat For Humanity cannot get this grant without a sponsor. Commissioner Kent Petersen suggested holding the Public Hearing to receive public comment and details of the HFH operations and proposed expenditures for this project before making a decision as to whether to be the sponsor. Commissioner Petersen also suggested having Clerk/Auditor Bruce Funk get with Carbon County to find out what is involved in this kind of a sponsorship. Commissioner Bevan Wilson suggested having handouts available at the Public Hearing detailing the scope of the project, who the players are and what will be done with the money.

(13)

CONSIDERATION AND DISCUSSION OF NACO SATELLITE BROADCAST.

Commission Chairman Randy Johnson reported that on October 23, 1997 at 11:00 A.M there will be a National Association of Counties satellite broadcast on conflict resolution. The theme is "Community Conflicts Don't You Just Hate Them". This could be an opportunity for an employee, staff, elected officials information meeting. He asked for input from elected officials in attendance if they felt this would be of benefit to them. They have received brochures for handing out. It was suggested that the broadcast be copied to as to rebroadcast the program as time allows. Commissioner Kent Petersen made a motion made a motion to sign up for the broadcast if our technical experts agree that it is possible for us to receive the broadcast. The

motion was seconded by Commissioner Bevan Wilson and approved by all members present. The cost will be \$300.00, to be taken out of non-departmental funds.

(14)

VAL PAYNE, PUBLIC LANDS REPORT.

Val Payne, Public Lands Director reported on the many activities of the Public Lands Council. They have scheduled a Hydrology Seminar on November 13, 1997 to address the multiple uses of water in Carbon and Emery Counties. The Public Lands Council has reviewed and commented on the Huntington Canyon Improvement Project Environmental Analysis. Their response was that they basically supported the concept of the project. They are in the process of reviewing the Forest Service proposed timber sales associated with Spruce Beetle damage control. The Public Lands Council is in support of this. In review of the BLM OHV proposal the comments have been coming to Public Lands that they need to get with the Forest Service and address a OHV on the Manti-LaSal plan on the forest, similar to the Piute Trail system on the Fish Lake. The OHV plan public open house for Emery County will be October 6, 1997 from 3:00 till 6:00 and 7:00 till 9:00 P.M. in the Emery County Courthouse. It is important that citizens become informed on what the BLM is proposing and be prepared to comment. Comment deadline is mid November. There are maps available in Val Payne's office or the Commission office. The BLM has been accommodating in the Public Lands need to inform the public on BLM proposals.

The contractor for the Ferron Coalbed Methane EIS is to be selected soon and the progress is moving along. The Public Lands Council will stay apprised of that project and continue our input into that process.

Public Lands has received some proposed revisions regarding the RS2477 issue. These proposed revisions have caused some significant concern. The Public Lands Council is deciding on how to respond.

Other Federal action dealt with the appeal and stay process regarding any federal actions. In 1993 the federal regulation was changed to where if an appeal regarding a federal action was filed then a request for a stay of that action would have to be filed as a separate filing. The proposal now is to make a stay automatic with the filing of an appeal. In lieu of making comment Val Payne spread the word throughout various industry and interested groups, to have them comment.

The other significant thing that has happened is with Congressman Hansen's latest wilderness proposal. Tracy Jeffs, Public Lands Council, reported on this issue. For a couple of years the Public Lands Council has been involved in crafting a management concept that they will present to the public on October 8, 1997 at 7:00 P.M. in the Museum of the San Rafael. This

management concept was presented to Governor Leavitt and Congressman Hansen who liked the concept. Congressman Hansen proposed 4 million acres, 2.742 million in wilderness and 1.3 million in National Parks. There are those who think this will never go anywhere but at the same time there are those who think they have the capabilities to push this through. The Public Lands Council unveiled their management concept for the Board of Commissioners providing maps outlining the areas. Tracy Jeffs stated that we have to believe that there will be wilderness in Emery County. But if we protect some of the other areas by using creative management tools we possess then we can maybe be a model for those throughout the west. Tracy Jeffs and the Public Lands Council asked for the support of the Board of Commissioners for the public meeting they have planned to unveil their management concept to the public. Commissioner Kent Petersen made a motion to set a meeting date of October 8, 1997 at 7:00 at the Museum of the San Rafael for an information forum on Public Lands proposed management concept. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. Commission Chairman Randy Johnson commended the Public Lands Council for taking Emery County to the cutting edge of land use management.

(15)

DISCUSSION OF CARBON/EMERY DRUG TASK FORCE.

Sheriff LaMar Guymon reported that the Emery Task Force is now operating. This will not increase the budget.

(16)

DISCUSSION OF UTAH COMMUNITY TREE REPLACEMENT PROGRAM.

This is a partnership with Utah Power and Light. The requirements are to identify the specific project, the number of trees to be removed, the number of trees to be planted, the species of the trees to be planted, the locations and the dollar amounts. Commissioner Kent Petersen suggested giving this to Economic Development and or the communities to use for community development programs.

(17)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor Bruce Funk presented to the Commission for their consideration the



Warrant/Check Edit List # 104098 through and including # 104246 for payment.

There was one requisition, #46-97 for a 8070-SRL Scale plus 748 indicator, #740 ticket printer and complete installation. Future contract testing per contract \$400.00 per test. Cost \$40,505.00. This item was budgeted for in 1997.

One item was discussed for disposal. 3-I Beams size 24"x 30 given to Wilberg/Petersen Subdivision.

There were some questions on the Nursing home claims so the Commission suggested holding those bill for more clarification from the Nursing Home board.

Bruce Funk presented a requisition for a new fire truck for Green River Fire Department in the amount of \$134,000.00. Sheriff LaMar Guymon reported that the old truck they had is falling apart. The last thing to go was the pump. They have nothing left to respond to a fire with except the mini-pumper. Sheriff Guymon has been able to locate a truck that was destined for another department but Emery County can take possession of it now instead of waiting the six months it takes to order one and put Green River back in business. Commissioner Bevan Wilson suggested going to CIB for emergency funding. Commission Chairman Randy Johnson agrees that we should take this opportunity to get this truck but also look at any opportunity we can find to relieve the burden to the county funds. After discussion on the finances the Board of Commissioners agreed to approach the CIB for an emergency matching grant. If that is not possible then upon approval of the Fire Protection Board they would use \$100,000.00 from the Fire Protection Budget and \$35,000.00 from the general fund to purchase the fire truck.

Also discussed was the cash flow problems of the Nursing Home. Discussed was reimbursing them for the car as a contribution, let them take care of the house expenses and keep the rent check.

Sheriff Guymon requested a new communication console at the Sheriff's Department. A new unit will cost \$63,016.80. This will replace the existing one. Their old one is getting to where they can't get parts for it anymore. If it goes down one more time they will be out of business. He has gone through the bid process and is asking for approval to go ahead and make the purchase and put off paying for it until the first of the year in his 1998 budget.

As a follow up to the Recreation District item discussed earlier in the meeting, Clerk/Auditor Bruce Funk reported that the Recreation District held their bid opening on the projects at the Huntington Ball Complex and Little Bear Campground. The low bidder on these projects was Ernest Jensen Construction for \$41,754.00. They discussed the fact that they can get the asphalt for the Huntington Ball Complex for approximately \$14,400.00. This will allow the Recreation District to get the asphalt done now and avoid doing it in the spring when the fields are being used. Earlier in the year Emery County made the \$10,000.00 contribution to Ferron Millsite

Golf Course for them as they would not receive their PILT money until August. In exchange for reimbursing the county for the \$10,000.00 the Recreation District will pay for the asphalt and the county will reimburse the Recreation District for the amount over the \$10,000.00.

Commissioner Kent Petersen made a motion that Emery County will pay as agreed the concrete portion of the projects which is \$41,754.00 and the Recreation District will pay for the asphalt for the amount of \$14,400.00 and the county will reimburse the Recreation District for the amount over the \$10,000.00. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Kent Petersen made a motion to approve the Warrant/Check List and the requisitions for payment; also the disposal of the I-Beams as discussed. The motion was seconded by Commissioner Bevan Wilson and approved by all members present. The Nursing Home bills were put on hold for further review.

(18)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball, presented the following personnel actions for consideration and approval:

Road Department

Request approval to appoint Cindy Baggs to up to 90-day temporary assignment. She will perform laborer duties at \$8.00/hr beginning September 15, 1997, and ending December 26, 1997.

Request approval to hire Travis Winn as Mechanic II, 10A \$9.53/hr, regular full time, with benefits, effective October 6, 1997.

Request approval to hire Terry Seager as Operator II, 10A \$9.53/hr, regular full time, with benefits, effective October 27, 1997.

Request approval to hire Dustin Tucker in the up to 9-month temporary assignment. He will perform equipment operator duties at \$9.53/hr beginning October 6, 1997, and ending December 31, 1997.

Commissioner Bevan Wilson made a motion to approve the Road Department personnel actions. The motion was seconded by Commissioner Kent Petersen and

approved by all members present.

### Library

Recommended for merit increases are the following:

Denise Hoffman, Branch Librarian in Green River, from 7E \$9.16/hr to 7F \$9.34/hr. Her anniversary date is August 17, (1987).

Susan Childs, Assistant Branch Librarian in Orangeville, from 7E \$8.09 to 4F \$8.25/hr. Her anniversary date is August 30, (1987).

Commissioner Bevan Wilson made a motion to approve the Library personnel actions. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### Sheriff's Office - Communications

Bret Mills is on the FLSA Belo Plan which is set up to help mitigate the impact of large amounts of overtime. Her concern is that the Belo Plan is an extremely sensitive agreement that needs to be reviewed regularly. This is when you negotiate wage, amount of hours work and identify the work that will be done. This has not been done on a timely basis. The last time this was done on July 3, 1996. Mr. Mill's concern is that he get the same consideration as other employees. His anniversary date is June 1. The agreement date for the Belo Plan is July 3, 1997. She requests putting the agreement date back to June 1, 1997. Commissioner Bevan Wilson made a motion to change the effective date for the Belo Plan agreement to June 1, 1997. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

### Zions Bank "Affinity Banking" Program.

Zions Bank is offering a banking program to Emery County as a benefit enhancement for county employees. The program has various products, services and discounts beneficial for managing personal finances. There is no cost to the county to activate the program or accounting on the part of the county. The access to discounts and services is based on a group offering, but is a personal arrangement between the bank and the employee conducted at the bank. It is

completely voluntary. To activate the program the county only needs to let the bank know that it wants to participate and the bank will provide the county with information bearing the county's name which the county will supply to the employees. The program seems an excellent personal financial management tool for employees with no cost or obligation to the county. Commissioner Bevan Wilson made a motion to leave this in the hands of the bank, but we will distribute the information to the employees. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(19)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Bevan Wilson made a motion to approve the Commission Meeting minutes dated August 27, 1997, September 3, 1997 and September 17, 1997 with corrections. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(20)

COMMISSION REPORTS.

**BEVAN WILSON**

Commissioner Wilson reported on the outcome of the Goblin Valley Road Project. Emery County submitted an application to the Sub Committee to the Joint Highway Committee. This project was originally phased out in five different phases. Phase One was funded in this past state fiscal year to the amount of a \$250,000.00 grant. We submitted application on Phase Two, Three, Four and Five for additional funding. In the meeting the Sub Committee went out three years beginning in the fiscal year 1999. The Goblin Valley/Emery County Project Phase Two was successful in getting a \$232,000.00 grant for the fiscal year 1999. Phase Three in the fiscal year 2000 will get \$250,000.00 grant. Phase Four in the fiscal year 2001 will get \$200,000.00 grant. Emery County will have to get the matching funds to complete these projects. Commissioner Wilson will report back to the Board of Commissioners on the plans for coming up with the match after his meeting with the Road Department.

**KENT PETERSEN**

Commissioner Petersen talked about the potential legislature for this year. One of the most important issues this year on taxes will be centrally assessed properties. It is important to note

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that our issues on centrally assessed has finally come to top of UAC's concern. We will keep a good watch on this advancement.

(21)

ADJOURNMENT

Commissioner Kent Petersen made a motion to adjourn the meeting at 1:15 P.M. The motion was seconded by Commissioner Bevan Wilson 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**

**October 15, 1997**

Present at the meeting were Commissioners Randy Johnson, Bevan Wilson and Kent Petersen, Attorney David Blackwell and Deputy Clerk/Auditor Carol Cox.

The meeting was called to order at 4:00 P.M. by Commission Chairman Randy Johnson.

(1)

DENNIS WORWOOD/CAROL DANIELS, EXTENSION AGENTS, PRESENTATION OF 4H BAKE AND TAKE IN APPRECIATION OF EMERY COUNTY'S SUPPORT.

Commission Chairman Randy Johnson welcomed 4H members, leaders and Extension Agents, Dennis Worwood and Carol Daniels. They presented the Board of Commissioners with fresh baked items in appreciation for the county's support.

Jody Porter, 4H leader, requested support for a Sewing is Fun Grant to teach the lost art of sewing to Emery County youth and adults. This national grant would provide sewing machines and equipment. She is requesting support in the form of an in-kind match which could include housing for the sewing program and equipment in lieu of a cash contribution. Commission Chairman Randy Johnson pledged the support of the Board of Commission for the concept of the program. As far as helping to find housing for the program, he suggested getting with Maughn Guymon and the Senior Citizen Program to possibly work out something. This could be a good tie-in with the Senior Citizen and 4H Programs.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

There were no Personnel Actions taken at this time.

(3)

5:00 P.M. -PUBLIC HEARING- To receive public comments for projects (Habitat for Humanity of Castle Country) for which may be applied under the CDGB Small Cities Program for FY 1998-99.

Kelli Ann Kirk, Project Manager for Habitat for Humanity of Castle Country, presented the program for those in attendance. HfH is a nonprofit organization that has been serving Emery and Carbon County since 1993. Their aim is to create an environment of hope, dignity, and a truly human existence for all people. Wherever possible, they cooperate with other agencies that have similar purposes and seek an ever-expanding company of persons to participate in the ministry. To date they have completed one home and started a second, both in Helper. This was accomplished by the generosity of donations from Emery County, Carbon County and Helper City citizens. A CDBG grant sponsored by Carbon County was used for infrastructure on both houses. Through outside funding, donations and volunteer help they can build more homes for individual families, giving them the opportunity to establish a stable foundation. Their goal for 1998-1999 is to buy two to three lots, and stub in the infrastructure for single family homes. These homes are to be completed in five years. Their success is based on the generous support of volunteer time and donated materials from the people and businesses of Emery and Carbon County. HfH has applied for a \$40,000.00 to \$50,000.00 Community Development Block Grant (which has set aside funds for housing projects). They are here today to receive public comment on having Emery County be the sponsor (grantee) of this grant, with Habitat for Humanity of Castle Country as the sub grantee. Emery County's role as sponsor of the grant will be to be responsible for the financing. Emery County will need to designate an Environmental Certifying Officer to oversee the operations of the finances. As sub grantee, HfH will write the grant and do all the work. For this grant to be accepted by the state office, the proposal must be part of the County's Comprehensive Plan. Emery County will create a line item to pay the bills from the CDBG. Applications are due in December 1, 1997. Ms. Kirk outlined the process for how these homes are built and the selection process for picking families to buy the homes.

Ms. Kirk requested that the meeting opened to those in attendance to receive any other suggestions for utilizing the housing set aside portion of a Community Development Block Grant.

Dixie Swasey, Emery County Recorder, commented that HfH is successful throughout the country. She would like to see Emery County be the sponsor for a CDBG because it is such a good project and they have such a good success rate throughout the nation. It may be a little more paperwork but it will be worth it.

**Therefore, being no other comments, Commissioner Bevan Wilson made a motion to close the Public Hearing. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(4)

TOM RASMUSSEN, BLM QUARTERLY UPDATE.

Tom Rasmussen, BLM, provided a 3rd Quarter update of BLM activities. Points of interest were the study being conducted by BLM for natural gas leaking from the outcrop of the Ferron sandstone. They will be setting up monitoring stations. River Gas EIS has several applications for permits to drill and will begin drilling in the spring of 1998. Emery County had a successful turnout for the OHV Open House. The Cleveland Lloyd Dinosaur Quarry/Americorp Project is slated to begin in January 1998. There were many calls concerning the articles written about dinosaurs found in our area in the Salt Lake Tribune and the Washington Post.

(5)

CHARLES JANKIEWICZ, MANTI-LASAL FOREST SERVICE QUARTERLY UPDATE.

Charlie Jankiewicz, Forest Service District Ranger for the Price/Ferron Districts, provided a 3rd Quarter update of Forest Service activities. Points of interest were Joe's Valley Campground renovation will be completed and ready for use Memorial Day 1998. Stuart Guard Station renovation will be complete July 4, 1998. The Scenic By-way will be completed by summer of 1998. He discussed the harvesting of the timber damaged by the Spruce Beetle as a factor in controlling the beetle, however the sale of the timber has been appealed by an environmental group. They anticipate the decision will be held up on appeals and go to the court system after the appeals process has been exhausted.

(6)

MILES MORETTI, DIVISION OF WILDLIFE RESOURCES QUARTERLY UPDATE.

Miles Moretti, DWR provided a 3rd Quarter update of DWR activities. Points of interest were the successful Elk Hunt season. They will be setting the date for the 1998 Elk Hunt season at a RAC meeting in October. The limit of mature bull permits sold on the Manti La-Sal will be increased from sixty (60) to seventy-five (75). To update on Joe's Valley fishing, Utah Chub are impacting the trout numbers. They anticipate three to five years before they will be looking at some kind of radical treatment to manage the chub. The Splake are eating the chubs but not fast enough. Fishing as a whole in the region has been very good. License sells are up.



(7)

TOM ALEXANDER, UTAH POWER ACTIVITY UPDATE.

Tom Alexander, Utah Power & Light, provided a 3rd Quarter update. Points of interest were the road at Cedar Mountain has been pushed up the list to be completed. They have finished energizing Texaco's oil wells for this year. They will be doing a major overhaul of Huntington Plant, Unit #2 in March 1998. There will be an extra two hundred (200) people at that site. On a corporate level, PacifiCorp made a offer to purchase the Energy Group in the U.K.(Eastern Energy and Peabody Coal Co.). This got held up by the new labor government. They are looking at possibly another five months which, because of the time stipulations, may cause them to have to start the process all over again. It is still a good deal and they will keep working on that merge. He talked about the Global Warming Summit and their efforts to help with carbon offsets. He discussed the UP&L tree program. They will work towards June 12, 1998 for that program.

(8)

KATHLEEN PETERSEN, REQUEST FOR FUNDING FOR BLUE RIBBON SCHOOL CONVENTION.

Ferron Elementary has been selected to represent Utah at the National Blue Ribbon Competition. They were selected by a state committee after a lengthy process of judging the schools programs over a five year period. This is the first time in the history of Blue Ribbon Schools that a rural school has won this award. Ferron Elementary Principal, Kathleen Petersen, came before the Board of Commissioners to request financial assistance in sending two teachers and herself to the National Blue Ribbon School Convention in Washington, DC.

**Commissioner Kent Petersen made a motion to contribute \$100.00 per person, a total of \$300.00 to help send the two teachers and Mrs. Petersen to the National Blue Ribbon School Convention in Washington, DC. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.** Commission Chairman Randy Johnson complemented Mrs. Petersen for her exemplary school that reflects well upon the county and the state on a National basis. This is due recognition.

(9)

BID OPENING FOR LIBRARY ROOFING PROJECT.

We have received one bid for the Library roofing projects. Earl Hansen, Hansen Roofing, Helper, gave a bid of \$24,915.00 for roofing the Emery, Ferron, Orangeville, Castle Dale and Green River Libraries. Commissioner Wilson wondered if we could wait on the Castle Dale and

Green River libraries until next year as Ferron, Orangeville and Emery are in bad shape and need to be taken care of before the snow hits.

(10)

CONSIDERATION AND APPROVAL OF AWARDING LIBRARY ROOFING BID.

Commissioner Kent Petersen recommended the Library Board accept the bid from Earl Hansen for \$24,915.00 for the roofing projects, subject to approval and terms of the bid package and Johansen & Tuttle Engineering. The Library Board will report back to the Board of Commissioners after they have met and awarded the bid.

(11)

CITIZENS CONCERNS

There were no citizens concerns at this time.

(12)

ROAD DEPARTMENT/LANDFILL ITEMS.

- A. Accept Clawson/Molen cutoff alignment project.**
- B. Accept Catholic Church shoulder work/asphalt overlay project.**

Rex Funk, Road Department Supervisor, reported that the Clawson/Molen cutoff and the Catholic Church asphalt overlay projects have been completed and are ready to be received back into the county system. **Commissioner Bevan Wilson made a motion to accept these two road projects back into the county system. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

- C. Bid opening for Backhoe.**
- D. Consideration and approval of awarding backhoe bid.**

There were two bids for the purchase a backhoe for the Road Department. The first bid was from Wheeler Machinery Company for \$61,210.00 for a 14 ft reach 416 C Backhoe Loader. The second bid was from Scott Machinery for \$52,250.00 for a John Deere 310E Backhoe Loader. **Commissioner Bevan Wilson made a motion to accept the low bid of \$52,250.00 from Scott Machinery and authorize Rex Funk to purchase upon review of the bid sheet. The motion was seconded by Commissioner Kent Petersen and approved by**

**all members present.**

**E. Update on demolition of Professional Building.**

The county has been in the process of putting together a demolition bid package for the Professional Building, which the county inherited in a tax sale. Through the bid process the low bidder was awarded the contract. The low bidder was found to not be qualified and could not bond. That bidder was eliminated. The second low bidder has problems with licensing as well as problems with other projects that they are behind on. It has been a problem to get a bidder in place to get the demolition done. They discussed the bid bond for \$1,400.00 they have from the first bidder. Should the county keep it or return it to the bidder? After discussion on the purpose of the bid bond, it was decided to keep the check for now.

**F. Discussion of parking area for Health Department Building.**

Discussed was the dilapidated condition of the parking lot at the Health Department Building. It was decided that this repair is the responsibility of the Health Department.

(13)

**RATIFICATION OF THE MODIFICATION OF NO.4 FOR THE ENGINEERING SERVICES CONTRACT FOR THE PRICE RIVER AND SAN RAFAEL RIVER BRIDGE.**

**Commissioner Bevan Wilson made a motion to ratify the modification of number four (#4) for the Engineering Services Contract for the Price River and San Rafael River Bridge. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(14)

**CONSIDERATION AND APPROVAL OF BLM RIGHT-OF-WAY FOR GOBLIN VALLEY ROAD PROJECT.**

**Commissioner Kent Petersen made a motion to approve the BLM Right of Way for Goblin Valley Road Project with the stipulation that the letter from BLM be marked as exhibit D and included in as part of the Right of Way Grant dated September 8, 1997, referring to the consent decree of 1992 concerning Emery County RS 2477 Roads. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(15)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR DINOSAUR DIAMOND PARTNERSHIP.

Economic Development Director, Rosann Fillmore, explained the purpose for a memorandum of understanding for Dinosaur Diamond Partnership. A letter has been crafted petitioning an amendment to Section II of the MOU to include Cleveland, Castle Dale, Blanding and Monticello as they have now been included as partners. They suggested leaving the word "circular" from Section IV. It is an excellent vehicle for promoting dinosaur resources in southeastern Utah and Western Colorado. This formal organization will enable the partnership to raise funds for development and promotion of the Dinosaur Diamond Prehistoric Byway as well as the management of its resources. There is no obligation of funds from Emery County at this time. **Commissioner Bevan Wilson made a motion to approve signing the MOU contingent upon the changes proposed. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

Layne Miller commented that it is about time Emery County got some recognition for the dinosaur history we have in our area.

(16)

DISCUSSION OF SB74.

County Attorney, David Blackwell, explained that SB74 is a Senate Bill which addresses the indigent fund. The county attorneys were asked in their executive meeting, if they wanted to see that bill changed and reintroduced or have the time extended for the counties to join. The counties participate in a fund for complicated prosecution cases, and to help pay defense attorneys in murder cases. Emery County opted to not join in on this as the cost was too high. Not enough counties have opted in and it is non functioning right now. They were asked to check with the commission in each of their counties to see if they want to refile the bill again in different form. Mr. Blackwell suggested to them that they run it with a different formula to make more affordable for all smaller counties. The formula based on valuation which made Emery County's rate too high. The potential for capital crime in our area does not support the amount we are asked to put in. The Commission agreed to reconsider it if done in a different formula.

(17)

CONSIDERATION AND APPROVAL OF WAIVER OF RIGHT OF FIRST REFUSAL ON EMERY MEDICAL CENTER.

This is a contract that was put into place by the county and Dr. Kotrady back in December of 1982. After discussion of this matter **Commissioner Kent Petersen made a motion to approve the waiver of right of first refusal on Emery Medical Center contingent upon County Attorney, David Blackwell's satisfaction, finding the original document and having it recorded. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(18)

REPORT FROM ATTORNEY CONCERNING GRAMA ACT AND MAILING ADDRESS OF COUNTY CITIZENS.

County Attorney, David Blackwell was assigned in last Commission Meeting to check into the Grama Act and the provisions for giving out mailing list of county employees. He has looked into this and his determination is no, we should not be giving out mailing list of county employees. County Recorder, Dixie Swasey, commented that she gets request all the time from mortgage companies for mailing list of home owners. Mr. Blackwell explained that under the Grama Act, you are specifically not allowed to give out home addresses and phone numbers of county employees. By extension that would mean you could not give out anybody's private information. On the other hand what is in the Recorder and Treasurer's office is public record including mailing addresses. There has to be a written request to receive that information. People can come in and research that information for themselves. It is the county's position to not *give out* lists of address information.

(19)

DISCUSSION AND CONSIDERATION OF APPROVAL OF RESOLUTION APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE.

County Attorney, David Blackwell, explained that TCI Cablevision has joined forces with TCI American Cable and Peak Cablevision, LLC (Limited Liability Company). They are transferring assets and restructuring to form a new company. Mr. Blackwell is recommending the Board of Commissioners table the approval of this resolution to allow him time to get with the cable company to discuss changing some wording of the resolution. He will report back in the next Commission meeting.

(20)

DISCUSS AMERICAN RIVERS HERITAGE INITIATIVE.

The Board of Commissioners has received a letter from the Office of Environmental Quality. The letter from Met Johnson stated, that as they investigate the Rivers initiative, it has an overriding implication on water rights on those rivers in your jurisdiction and or agricultural basins. It is possible for us to write a letter and opt out of this initiative with the endorsement of your congress member. He strongly recommends that Emery County do that. After discussion on this it was decided to talk with Congressman Cannon. If he thinks we need to opt out of this, he will know that, and we will ask him to do that. Commissioner Petersen will discuss it with Bill Howell at the AOG meeting next week. They will get answers and act on this decision.

(21)

DISCUSS DUN AND BRADSTREET RATING.

**Commissioner Bevan Wilson made a motion to table this matter until next year when we get another letter from them. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(22)

DISCUSSION AND APPROVAL OF ADMINISTERING CANYON COUNTRY PARTNERSHIP BUDGET.

This item was tabled to allow time to research this request.

(23)

CONSIDERATION AND APPROVAL OF INDIGENT ABATEMENTS.

Senior Clerk/Auditor, Brenda Dugmore, informed the Board of Commissioners that the county can allow up to \$300.00 or 50% of the tax due for the indigent abatements. All of the indigent abatement applications for consideration qualify for low income credit because they are under 65, disabled, widow/widower or under extreme hardship. A letter stating the extent of hardship is required with each application. This is a Commission decision as to whether to grant the 50% tax credit. The state does not reimburse us for this. It is a county loss of revenue. The total abatement amount is \$1,130.01. After looking the applications over **Commissioner Kent Petersen made a motion to approve all the abatements except the application from Knudson until further review of the qualifications. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(24)  
PRESENTATION OF 1998 TENTATIVE BUDGET AND SETTING OF PUBLIC HEARING.

Senior Clerk/Auditor, Brenda Dugmore, presented to the Board of Commissioners the tentative budget for 1998, including the expected revenue.

(25)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Deputy Clerk/Auditor, Terry Williams, presented to the Board of Commissioners for their consideration the Warrant/Check Edit List #104511 through and including # 104698 for payment.

There was one disposition for a printer Asset #5358 for transferring from the Treasurer to RSVP.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
49-97	Copier/Personnel	\$ 349.98	* Hold
50-97	Public address system/ Sheriff Department	765.00	* Hold
47-97	1998 Dodge Ram Pick-up Truck/Class B Roads	23,328.35	Approved
48-97	1998 Dodge Ram Pick-up Truck/Class B Roads	22,137.85	Approved

\* These items were put on hold until the budget process is complete for 1998.

**Commissioner Bevan Wilson made a motion to approve payment of the Warrant/Check Edit List and the approved requisitions as well as the transfer of the disposition. The**

**motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(26)  
APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.

**Commissioner Kent Petersen made a motion to table the minutes dated October 1, 1997. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(27)  
COMMISSION REPORTS.

#### **KENT PETERSEN**

Commissioner Petersen reported on the San Rafael National Conservation Area/ National Heritage Area concept. The Open House provided a nice presentation. It has been well received by the public with positive comments from the public who attended.

#### **RANDY JOHNSON**

Commissioner Johnson reminded everyone in attendance of the satellite broadcast on October 23, 1997 from 11:00 a.m. till 1:00 p.m. in the Commission Chambers. He encouraged everyone to view it if possible. We will be purchasing a copy for those who will not be able to attend.

(28)  
EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL CONCERNS.

**Commissioner Bevan Wilson made a motion to adjourn to executive session to discuss litigation and personnel concerns. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(29)  
ADJOURNMENT



12  
Commission Meeting Minutes  
October 15, 1997

**Commissioner Kent Petersen made a motion to come out of executive session and adjourn the regular meeting at 7:30 p.m. The motion was seconded by Commissioner Bevan Wilson 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**

**November 5, 1997**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 A.M.

(1)

REVIEW AND RECOMMENDATIONS CONCERNING REQUEST BY SCOTT MCARTHUR, HUNTINGTON, TO PURCHASE COUNTY-OWNED PROPERTY #01-0199-0032.

County Attorney David Blackwell recommended not selling the property at this time. Commissioner Bevan Wilson suggested writing a letter to Scott McArthur, Huntington, informing him of the county's decision.

(2)

CONSIDERATION AND ADOPTION OF A RESOLUTION AUTHORIZING THE ISSUANCE AND CONFIRMING THE SALE OF \$940,000.00 GENERAL OBLIGATION PUBLIC PURPOSE BONDS, SERIES 1997-B OF CASTLE VALLEY SPECIAL SERVICE DISTRICT, EMERY COUNTY, UTAH, AND RELATED MATTERS.

Darrel Leamaster, CVSSD, explained the purpose of the bond which is to construct a new treatment plant in Orangeville to service Castle Dale and Orangeville. This plant will include new treatment technology which will be the first of this kind in the state with this type of membrane technology. Kent Michie, Zions Bank, discussed the bonds that were passed in other areas of the state. He commended CVSSD for their ability to more skillfully stretch the money they received from the bond election of 1994, which was \$10,000,000.00, than any group in the state. The resolution that is under consideration at this time authorizes the sale of \$940,000.00 of general obligation public purpose bonds. The bond will be sold to the State of Utah at 4% interest rate. The closure date is December 12, 1997. **Commissioner Bevan Wilson made a motion to adopt Resolution 11-05-97A authorizing the issuance and confirming the sale of \$940,000.00 general obligation public purpose bonds, series 1997-B of Castle Valley Special**

2

Commission Meeting  
November 5, 1997

**Service District. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(3)

HARRIET BISHOP, CONSIDERATION AND APPROVAL OF ABATEMENT OF PROPERTY TAXES.

Harriet Bishop, Orangeville, came before the Commission to request abatement of her property taxes. Because of her age she qualifies under the Indigent Abatement which allows 50% percent of the property tax to be abated up to \$300.00. She was not aware that she would have to come up with the other 50% of property tax. She is not able to pay the other 50% as she is on a small fixed income. She presented a letter from her doctor stating the degree of her disability and a letter from her stating her hardship. Ms. Bishop is requesting to have the 50% balance of her property tax abated this one time only and she will make payments next year to pay the 50% she is responsible for. **Commissioner Kent Petersen made a motion to abate the \$231.79 balance owing with the understanding that Ms. Bishop will pay the 50% next year. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(4)

EMERY COUNTY HISTORY BOOK COMMITTEE, PRESENTATION OF PAYMENT.

Sylvia Nelson, Centennial Committee, presented to the Commission, a check in the amount of \$5,000.00 from the Emery County Centennial History Book. This leaves a balance of \$3,828.00 still owing to the county for the printing cost of the Emery County History Book. She thanked the Commission for their sponsorship and continued support. Commission Chairman Randy Johnson thanked the History Book Committee for their efforts and success of the book.

(5)

CITIZEN CONCERNS

There were no citizens concerns at this time.

(6)

CONSIDERATION AND APPROVAL OF ASSESSOR ADJUSTMENTS.

These adjustments are Assessor adjustments made on accounts with errors found after tax notices went out to the public. If the account had a specific problem it was adjusted. These are not adjustments made if the property owner had a problem with the value. Those were to be taken care of during Board of Equalizations.

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Commission Meeting  
November 5, 1997

The following adjustments were made:

Forrest Purdy \$313.20 and Western Clay Company \$589.22 were added amounts for the county. + **Total \$902.42.**

Bob Peck \$399.25, Henry Maki \$228.78, Brook Smith \$126.49, Joseph Lott \$54.74 and William Coyne \$162.72 were minus amounts for the county. -**Total \$971.98.**

**Commissioner Bevan Wilson made a motion to approve the property tax adjustments by the assessor. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(7)

CONSIDERATION AND APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN CVSSD AND EMERY COUNTY FOR IMPACT ANALYSIS.

This MOU provides a means for transferring to Emery County, money CVSSD received from a CIB grant for an osmosis and socioeconomic study. **Commissioner Kent Petersen made a motion to approve the MOU between CVSSD and Emery County and to authorize Commissioner Randy Johnson to sign the document. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(8)

ROAD DEPARTMENT/LANDFILL ITEMS

**A. Consideration and approval of landfill financial assurance.**

Discussed was the revised cost estimate for the Emery County Closure Post-Closure Care costs for the Emery County Landfill. The original draft was drawn up by Tahoma Consultants in collaboration with Johansen & Tuttle Engineering. The county had received a letter from the state licensing department requesting some needed changes on the permit application. Discussed were the options for acquiring the \$255,000.00 requirement for closure, post-closure care. Once the permit is issued we have five years to come up with the required amount. Rex Funk recommended option 2 which calls for \$11,000.00 per year for five years, beginning in calendar year 1998, being put into a trust to be added to the existing \$146,303.00, which with accrued interest over the five year period will build up to the required fulfillment amount. Each year there will be a required financial review. Upon the annual review it is the intent of the Commission that any required change in the yearly deposit over and above the \$11,000.00 will be fulfilled by the financial assurance option. **Commissioner Bevan Wilson made**

**a motion to accept option #2. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

B. Discussion concerning disposition of snow plows.

The road department had permission earlier in the year to dispose of several older snowplows. They didn't have many takers and are left with four snowplows. Rex Funk is asking permission to drop the price of the snowplows to \$175.00 and offer them again to the cities for purchase. **Commissioner Bevan Wilson made a motion to allow the road department to drop the price of the snowplows to \$175.00 and offer them to the cities again for purchase. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

C. Update of street light project on Bott Lane.

Rex Funk informed the Commission of the progress of installing a street light at the intersection of Bott Lane and Orangeville City. Things are moving along. Commissioner Bevan Wilson expressed his concern to not neglect the liability of the county for the needs of intersection. Be sure to cover all our bases before the pole is put up. Rex Funk is requesting Commissioner Johnson's signature on a letter to Utah Power & Light to complete the document trail. **Commissioner Kent Petersen made a motion to authorize Commissioner Randy Johnson to sign the letter to Utah Power & Light. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

D. Other business.

The acoustics work at the road shop is complete. The savings to the county was \$25,000.00 compared to the original proposal.

The scales at the landfill are installed. They anticipate being on line by the first of the year.

Rex Funk requested permission to look for a replacement tractor (possibly used) for the one that was wrecked in Green River earlier in the year. The Board of Commissioners gave Rex Funk approval to pursue looking for a replacement tractor for the road department.

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Commission Meeting  
November 5, 1997

(9)  
RATIFICATION OF COOPERATIVE AGREEMENT BETWEEN EMERY COUNTY  
SPECIAL SERVICE DISTRICT #1 AND EMERY COUNTY FOR GOBLIN VALLEY ROAD  
PROJECT.

**Commissioner Bevan Wilson made a motion to ratify and sign the cooperative agreement between Emery County Special Service District #1 and Emery County for the Goblin Valley Road Project. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(10)  
DISCUSSION AND APPROVAL OF ADMINISTERING CANYON COUNTRY  
PARTNERSHIP BUDGET.

Upon recommendation of the Clerk/Auditor's office this discussion was dropped for now.

(11)  
DISCUSSION AND CONSIDERATION OF APPROVAL OF RESOLUTION APPROVING  
THE TRANSFER OF THE CABLE TELEVISION FRANCHISE.

Previously, County Attorney, David Blackwell, questioned some things in the resolution and has since had those questions answered. He is now satisfied with the resolution and recommended that the Commissioners sign it. **Commissioner Kent Petersen made a motion to sign Resolution # 11-05-97B approving the transfer of the Cable Television Franchise from TCI Cablevision of Utah to Peak Cablevision, LLC. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(12)  
DISCUSSION OF DRUG TASK FORCE AND VEHICLE TRANSFER.

Sheriff LaMar Guymon discussed the combining efforts of Emery and Carbon Counties to form a Drug Task Force. The budgeted amount for office space will be \$2,400.00.

The Sheriff's Department has a 1988 Buick, seized by the Highway Patrol, that they are requesting to have dispositioned and signed over to the Carbon-Emery Drug Task Force. The Carbon-Emery Drug Task Force will be responsible for the upkeep and insurance for the vehicle. The disposition of this vehicle will be taken care of during agenda item # 17, Approval of check edit list, additional claims, requisitions and dispositions.

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Commission Meeting  
November 5, 1997

The State of Utah took down all of the neighborhood watch signs at the entrances to the cities, saying that they were on their right-of-way. Letters are being written to the Governor. Legislature is being proposed to have that changed.

(13)

CONSIDERATION AND APPROVAL OF SPONSORSHIP OF HABITAT FOR HUMANITIES AND CBDG PROGRAM.

In previous Commission Meetings, Habitat for Humanity of Castle Country representative Sylvia Nelson and Project Manager Kelli Ann Kirk, came before the Board of Commissioners to ask Emery County to be a sponsor for a CDBG grant. A Public Hearing was held on October 15, 1997, to receive public input and to hear of the programs objectives for the funds. At this time Sylvia Nelson, representing HfH, is requesting permission to proceed with the program as outlined earlier and to have an Environmental Certifying Officer appointed for the County. Clerk/Auditor, Bruce Funk, expressed his concern in how the handling of the finances for this project will impact his office.

**Commissioner Kent Petersen made a motion to proceed with the process of Emery County being a sponsor for a CDBG grant for HfH of Castle Country and to appoint Dixie Swasey as the elected official point person for the county. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(14)

DISCUSSION OF SETTLEMENT OF OUTSTANDING SOUTHERN PACIFIC AND DENVER AND RIO GRANDE TAX LITIGATION.

Utah Association of Counties recommends the settlement in tax protest with Southern Pacific and Denver Rio Grande for the years 1994, 1995 and 1996 in the amount of \$74,209.00. There is still potential intangible proceedings for 1997. **Commissioner Bevan Wilson made a motion to agree to the settlement with Southern Pacific and Denver Rio Grande. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(15)

FOLLOW-UP ON AMERICAN RIVERS HERITAGE INITIATIVE.

The American Rivers Heritage Initiative was discussed by the Commissioners and Val Payne, Public Lands. So far Montana and Idaho have opposed this initiative. Val Payne suggested taking the initiative document to the next Public Lands Council meeting and they will look it over, formulate a recommendation and report back to the Commission at the next Commission

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Commission Meeting  
November 5, 1997

meeting. Commissioner Randy Johnson suggested that we need to proceed to be on a timely manner to opt out of this if we do chose to do so, based on the information we gather.

Val Payne, Public Lands, gave a follow-up of Public Lands activities. The Hydrology Outreach Committee Seminar scheduled for November 13, 1997 has over 100 participants signed up so far. At this seminar Emery County and the Public Lands Council will be receiving an award from the Office of Surface Mining. Mr. Payne also reported on the Millfork (Genwal Lease) regarding Little Bear Spring and Coalbed Methane issues, setting a date of November 18, 1997 at 3:00 p.m. for the Board of Commissioners who will be available to meet with River Gas Vice President over lands to discuss these issues.

(16)

DISCUSS CREATION OF AMERICORP PROJECT PLANNING COMMITTEE.

Rosann Fillmore, Economic Development and Val Payne, Public Lands Council, reported on the creation of an Americorp Planning Committee. Previously discussed was the need to assign a Project Supervisor and a Project Planning Committee to coordinate the efforts of the Americorp Project at the Cleveland Lloyd Dinosaur Quarry as well as various communities in the county. They would also be coordinating efforts at the Museum of the San Rafael and planned improvements at the Dinosaur Quarry. Mrs. Fillmore and Mr. Payne discussed the need for names of people to form the committee and asked the Commission and others in attendance for some suggestions as everything should be on line by January 1, 1998. The Commission asked Mrs. Fillmore and Mr. Payne to help draft the job description, as well as goals and objectives, for the Planning Committee and Project Supervisor so that advertising can begin for these positions. Mr. Payne expressed the desire and an objective of those concerned is to help the citizens of the county recognize the importance of the Dinosaur Quarry. Another objective is to have a representative from Cleveland Town as they are an important entity of the county that needs to recognize and have some involvement in the quarry.

Deputy Clerk/Auditor, Brenda Dugmore, directed some questions and concerns of her office in coordinating the financial responsibilities associated with this project.

(17)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk, presented to the Board of Commissioners for their consideration the Warrant Check Edit List #105091 through and including #105295 for payment.



8  
Commission Meeting  
November 5, 1997

The following requisitions and dispositions were presented for consideration.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
51-97	Snow Cat/Sheriff	\$ 68,655.00	Approved
52-97	Heavy Duty washer/Sheriff	499.00	Approved
53-97	Computer/GR Sheriff	1,482.00	Approved
<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>	<u>ACTION</u>
610-5887	Computer/Extension		Approved
111-5716	Overhead Proj/Commission		Approved
N/A	88 Buick/Sheriff	Reassigned to Carbon-Emery Drug Task Force	Approved

**Commissioner Kent Petersen made a motion to approve payment of the Check edit list, requisitions and dispositions. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(18)  
PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Personnel Director, Pat Snowball, presented the following personnel actions for Commission approval.

### **Library**

Recommended for a 2-step merit increase is Colleen Murdock. Her anniversary date is 10/29/91. She would go from 4D \$7.91 to 4F \$8.25. **Commissioner Kent Petersen made a motion to approve the merit increase for Colleen Murdock. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

### **Assessor**

Jim Fauver requests approval to fill the position of Appraiser III, grade 12A \$10.36/hr., by promotion.

The promotion policy is that the intent to fill a position by promotion must be posted for five days so that any employee with the required qualifications may apply.

9

Commission Meeting  
November 5, 1997

**Commissioner Kent Petersen made a motion to approve filling the position by promotion according to county policy. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(19)

APPROVAL OF COMMISSION MEETING MINUTES.

**Commissioner Kent Petersen made a motion to approve the minutes dated October 1, 1997 and October 15, 1997 as corrected. The motion was seconded by Commissioner Randy Johnson who stepped down to second as Commissioner Bevan Wilson had to step out of the room, and it was approved by all members present.**

(20)

COMMISSION REPORTS

**BEVAN WILSON**

Commissioner Wilson reported on the Senior Appreciation Dinner coming up on November 18, 1997 at 6:00 p.m. at the Museum of the San Rafael. All elected official department heads are invited to come and help serve. He requested that they be there at 5:30 p.m. to help.

The Employee Appreciation Dinner will be December 5, 1997 at 6:30 p.m. at the Museum of the San Rafael. Employees should RSVP by December 2, 1997 and choose from beef or chicken main dish.

**KENT PETERSEN**

Commissioner Petersen reported on the Colorado Plateau meeting he attended with Val Payne, Public Lands. The main topic of discussion was the collaborative efforts on the Colorado Plateau and proposal for the San Rafael. Emery County's Public Lands Council was used as good examples of this collaborative efforts. The work we are doing is getting out there and it is favorable.

Pat Snowball, Personnel Director, received a letter from Insurance Mutual saying that the county should have a representative. JoAnn Behling, Treasurer was appointed with Bruce Funk, Clerk/Auditor as alternate.

**RANDY JOHNSON**

10

Commission Meeting  
November 5, 1997

Commissioner Johnson reported that in the October 1, 1997 Commission meeting the board approved the donation to UAC of \$3,500.00 when the time was right. He is requesting to have that donation made now. He also reported that Salt Lake County came forth with an offer to the dues committee to increase their dues to UAC to 29% amounting to \$32,000.00 extra. If it is passed by the board this will decrease the dues of the other counties by that amount. They are doing this in exchange for their money not being used for public lands issues. This will allow the other counties to not have to contribute as much and hopefully will offset their donations to the Monument Lawsuit. This way Salt Lake County is able to participate in an indirect way.

(21)

OTHER BUSINESS

Scott Theurer, Emery County Nursing Home, requested to have the seven shares of water assigned to the Nursing Home signed over to them. Ferron City has contacted the Nursing Home and requested two water shares for the hook-up for the nursing home addition. After discussion and consideration of this matter it was decided to send a letter to Ferron requesting lowering the requirement of two additional shares for the hook-up. Commissioner Kent Petersen will discuss the water share issue with the Nursing Home Board. **Commissioner Bevan Wilson made a motion to transfer two shares of water to the Emery County Nursing Home if necessary for the hook-up to the addition. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

**Commissioner Kent Petersen made a motion to approve a Resolution to support a grant for the Southeastern Utah Association of Local Governments for seed capital for Revolving Loan Fund and authorize Commissioner Johnson to sign the resolution. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.**

(22)

EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.

**Commissioner Randy Johnson made a motion to adjourn to Executive Session to discuss pending litigation and personnel matters. The motion was seconded by Commissioner Kent Petersen and approved by all members present.**

(23)

ADJOURNMENT

11  
Commission Meeting  
November 5, 1997

**Upon return to regular meeting Commissioner Bevan Wilson made a motion to adjourn. The motion was seconded by Commissioner Kent Petersen 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**

**November 19, 1997**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, County Attorney David Blackwell, Sheriff LaMar Guymon and Deputy Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00 p.m.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk, presented to the Board of Commissioners for their consideration the Warrant Check Edit List # 105461 through and including # 105579 for payment.

The following requisitions and dispositions were presented for consideration.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
55-97	Computer System/ Data Proc.	\$ 8,172.00	Approved
56-97	Folder/Sheet Feeder/ Clerk/Auditor	9,452.50	Approved
54-97	93 Kenworth Tractor Class B Rds.	42,400.00	Approved

<u>ASSET#</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>	<u>ACTION</u>
415-4544	84 Ford F250 Pickup/ Class B Rds.	Was Traded for 93 Kenworth Tractor Rq#54-97	Approved

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Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List, requisitions and dispositions for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

In the previous meeting Jim Fauver, Assessor requested approval to fill the position of Appraiser III, grade 12A \$10.36/hr. by promotion. According to policy the position had to be posted for five days. Mr. Fauver was given permission to fill the position by promotion according to county policy. He has followed procedure and would now like to offer the position to Kris Bell, who is currently a Deputy Assessor II, grade 6D, \$8.60/hr. The promoted position is Appraiser I grade 9B \$9.34/hr. effective on the next regular pay period and was submitted for approval because experience in the position, per the job description, closely corresponded with the experience of the individual qualified to receive the promotion. Commissioner Kent Petersen made a motion to approve promoting Kris Bell to Appraiser I grade 9B \$9.34/hr. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(3)

CITIZENS CONCERNS

Maurice Anderson, Ferron, came before the Board of Commissioners to ask for their support on behalf of the Neighborhood Watch Program. His concern is the signs that are placed at the entrance of each town are being removed by UDOT. He has contacted Governor Leavitt's Office by phone several times and has written a letter. Letters have also been sent to UDOT and Brad Johnson, State Legislator for District #70. He read the letters and the letter he received back from Kleston Laws, UDOT Regional Office in Price. Road Supervisor, Rex explained the regulations binding nonconforming signs that are put on state right-of-ways. Commissioner Bevan Wilson expressed the frustration and feeling of discouragement he has encountered when dealing with State and Federal regulations. Commission Chairman Randy Johnson offered encouragement and support of the Board of Commissioners for the efforts of the Neighborhood Watch Program. They will do what they can. Commissioner Bevan Wilson thanked Mr. Anderson and other citizens like him for the work they are doing, for standing up for themselves and for what they are trying to accomplish.

Mark H. Williams, Co-founder, Castle Valley ATV Tours and President, SouthEastern Utah Off-Highway Vehicle Club, reviewed with the Board of Commissioners the San Rafael Proposed Off-Highway Vehicle Travel Plan and the SEUOHV's concerns and comments of the plan. The OHV Club reluctantly supports the plan. Mr. Williams provided the Commissioners with a copy of the SEUOHV's comments being sent to the Bureau of Land Management. Commission Chairman Randy Johnson commented that the Commissioners have received more letters on this one issue than on anything else.

Mr. Williams has been appointed to the State Parks and Recreation OHV Advisory Committee and will be going into Salt Lake City once a month to meet on that OHV council. He will keep the Commissioners apprised of any developments of that committee.

Commissioner Bevan Wilson asked if the county has a position statement on our RS2477 Rights that these clubs could adopt. There has been protective language discussed and a resolution was signed in 1996 stating the county's position as far as RS2477 Roads and our rights. Commission Chairman Randy Johnson expressed that if the county is put into the position to defend those rights-of-way then we will defend them. At this time there are several lawsuits pending in other counties. Emery County has a very good relationship on a local basis with the BLM. It is the Commission's wish that we would work through the differences with the help of the Public Lands Council to mitigate these things before they get to the courts. Much of what we have to take a stand on with regards to Public Lands has to do with RS2477 Road rights. After discussion on this matter the Board of Commissioners thanked Mr. Williams for his and his club's efforts to exhibit responsible use of our public land, roads and trails.

(4)

DISCUSSION AND APPROVAL OF RESOLUTION FOR CONVEYANCE OF BLM  
PROPERTY FOR GREEN RIVER AIRPORT.

County Attorney, David Blackwell, explained that the county has received a request from Green River City to give our approval of their request to get a patent land from the BLM. Mr. Blackwell has drawn up a resolution stating we approve of that process. He recommends signing the resolution with any changes that may need to be made to satisfy the BLM. Commissioner Bevan Wilson made a motion to approve Resolution 11-19-97A with any necessary changes and to have Commission Chairman Randy Johnson sign the document. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

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(5)

APPROVAL OF AGREEMENT WITH CASTLE DALE CITY FOR LEASE OF WATER SHARES.

Clerk/Auditor, Bruce Funk, explained that there is not an urgency to do this at this time. There needs to be some research on just how many shares of water the county has available to lease. This item will be put on the agenda another time.

(6)

UPDATE FROM COURTHOUSE CARPET COMMITTEE

Dixie Swasey, County Recorder, reported on the status of the carpet chosen for the courthouse. Discussed was the fact that the proposed amount may be different now as a substantial amount of time has elapsed. The Commissioners discussed the cost of having someone move the furniture and the need to have it done over the weekend to cause a minimal amount of confusion. Commission Chairman Randy Johnson suggested getting a new proposal for the carpet replacement for the 1998 budget and let's get going on this as soon as possible.

(7)

ROAD DEPARTMENT/LANDFILL ITEMS

**A. Discussion and approval of participation in work plan and development of Utah Winter Road Maintenance Plan.**

This is a high tech monitoring during snow and icing periods, integrating it onto the mat on the roads where the computers can read the level of moisture, precipitation, salt and deicer content. The state has a couple of these units on I-70. The state has asked Utah State University to get involved. Throughout Utah the safety of monitoring the public during winter is dependent on maintaining roads with high friction surfaces. Studies indicate that vehicle accident rates are highest on snow packed roads, lower for wet pavements and lowest for dry roads. Better traction appears to provide safer vehicle traffic. Road salting can increase vehicle traction and reduce road unevenness due to ice and snow buildups. Various organizations, because of all the lawsuits, are working to pull together a high tech anti-icing and plowing program. These programs usually depend on beginning operations just prior to in early stages of a winter storm. The more a properly trained winter maintenance manager knows the pavement temperatures, the time of arrival of a storm and the direction of speed with which the storm is traveling the more likely it is that the snow and ice



control operations can be conducted in a way that will result in safe road conditions. Rex Funk assumes that Highway 10 is where they would probably put a monitoring station. The cost for this program is minimal, \$213.00 a year or \$425.00 for two years. Rex Funk, requested approval to participate in this program. He also asked to represent the county on the Utah Technology Transfer Center Board (T2) another year. The Board of Commissioners approved of this. After more discussion on the program Commissioner Kent Petersen made a motion to approve participating in the program for the two years. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

#### **B. Approval of purchase of a used tractor.**

This was approved as a requisition earlier in the meeting.

#### **C. Val Payne, Public Lands**

Val Payne, Public Lands, reported on a situation that has developed at Cedar Mountain concerning Chimney Rock Resources. There was a question as to whether Chimney Rock Resources' activity at Cedar Mountain is legal. It has been determined to not be legal. The site is located on Utah State Lands. They are excavating the old material that has been removed in construction of the old railroad grade and selling it as a limestone product to be used in coal mining on the roads. Steven Powell, Chimney Rock Resources, indicated that there were many other uses for the product. Mr. Payne checked with State Lands and there is a lease issued to CRR for limestone and building stone removal on that site. He checked with the Division of Oil, Gas and Mining where he found some concerns and deficiencies, one of which is a lack of an accepted archeological report. Mr. Powell indicated that the report had been done, however, there was no record of the report with any of the agencies. Mr. Payne met at the site with representatives from State Lands, the archeologist who had done the initial survey, an archeologist from State Lands and an attorney from State Lands. They have concluded that Mr. Powell is in violation of his lease. They are going to take action. Just what action they will take, we don't know at this time. CRR has removed a significant portion of material associated with the old railroad grade. It is in fact a historic site. CRR has been ordered to cease operations. Road Supervisor, Rex Funk, reported on the impact these operations have had on county roads in the area.

**D. Bid Opening**

Rex Funk, Road Supervisor, reported on the bid opening for the dips and culverts for Swinging Bridge Project. There were two contractors submitting bids. Minchey Digging for \$ 148,975.00. Nielson Construction for \$ 168,668.20. The apparent low bidder is Minchey Digging. There was discussion on the fact that Minchey Digging is still behind on a number of other jobs associated with contracts within the county. The Commissioners were a little concerned about awarding another contract to them. The Commissioners wondered if the decision could be put off until they could consult with the engineers. Rex Funk explained that there is a raptor restriction on this project and the water loadout for this construction must be completed by February 1, 1998. The Commissioners discussed possibly putting some stipulations on the project. The other projects hanging out there must be completed first. Commissioner Bevan Wilson made a motion to award the bid to the lowest bidder, Minchey Digging, upon the satisfaction of the concerns expressed and authorize Commission Chairman Randy Johnson to sign the notice of award upon Rex Funk and Johansen & Tuttle Engineering's recommendation. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

**CONSIDERATION AND APPROVAL OF ASSESSOR ADJUSTMENTS.**

County Assessor, Jim Fauver, presented the following properties for adjustments:

Montell Seely (-)\$22.10  
Rick E. & Paige C. Hardee (-)\$171.63  
Pacifcorp (-) \$199.28

Commissioner Kent Petersen made a motion to approve the assessor adjustments. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(9)

**APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.**

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Commissioner Bevan Wilson made a motion to approve the minutes dated November 5, 1997 with corrections. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(10)

### COMMISSION REPORTS

#### **KENT PETERSEN**

Commissioner Petersen reported on the UAC Conference. Everyone had an enjoyable time. Comments are due by December 1, 1997 on the OHV Plan. It is time for the Commission and Public Lands Council to come in with their comments. Commissioner Johnson and Commissioner Petersen met with Barbara Hjelle, Attorney from Washington County, who works with UAC and several other counties on RS2477 issues. Commissioner Petersen suggested that Val Payne and David Blackwell to get on the phone with Barbara to get some recommendations for carefully wording our comments to the BLM. She suggested we assert our RS2477 rights and not go along with any of the closures. Commissioner Wilson suggested that Rex Funk, because of his involvement in RS2477 issues, combine efforts with Val Payne and David Blackwell, to word our comments to the BLM. Commissioner Petersen feels we need to make it very clear that the BLM has no right to close roads that belong to Emery County.

#### **BEVAN WILSON**

Commissioner Wilson asked Val Payne to give a report on the Outreach Forum sponsored by the regulatory agency of Division of Oil, Gas and Mining, as well as coal operators, held November 13, 1997 at the Museum of the San Rafael. The subcommittee from the Public Lands Council dealt with coal mining and water issues. There was a good representation of local people. More than one hundred people attended with a variety of interests. The majority of response has been positive. This is not the end of the water issues but Mr. Payne felt that they made a lot of progress in establishing some contacts and credibility among various people including ourselves.

Commissioner Petersen added a report on the Emery County Public Lands Council receiving a National award from the Office of Surface Mining.

#### **RANDY JOHNSON**

Commissioner Johnson reported that while at UAC Conference, Commissioner Petersen was

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elected chairman of the statewide organization of Commissioners.  
He also reported on the progress of the Monument Lawsuit.

(11)

OTHER BUSINESS

November 20, 1997, Commission Chairman Randy Johnson's birthday. He shared his birthday cake with those in attendance.  
The Commission received a letter from Kmart Corporation concerning the Shop with a Cop program. This was referred to Sheriff Guymon.

(12)

EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION AND PERSONNEL CONCERNS.

Commissioner Kent Petersen made a motion to adjourn to an executive session to discuss pending litigation and personnel concerns. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(13)

ADJOURNMENT

Upon return to the regular meeting Commissioner Kent Petersen made a motion to adjourn the meeting. The motion was seconded by Commissioner Bevan Wilson 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**

**December 3, 1997**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, County Attorney David Blackwell and Clerk/Auditor Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 9:00 A.M.

(1)

CONSIDERATION AND APPROVAL OF CARBON EMERY DRUG TASK FORCE INTERLOCAL AGREEMENT.

This agreement is a result of the dissolution and reformation of the Drug Task Force. The Board consists of the Carbon County Sheriff, Emery County Sheriff and Price City Chief of Police. The agreement has been reviewed and signed by Attorney David Blackwell and Sheriff Guymon. Commissioner Kent Petersen made a motion to approve the Carbon Emery Drug Task Force interlocal agreement with Price City, Carbon County and Emery County. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

CONSIDERATION AND APPROVAL OF COOPERATIVE AGREEMENT FOR THE GOBLIN VALLEY STATE PARK ACCESS ROAD, PROJECT #SP-1652 (1) 1.

This is an addendum to the original MOU which was signed in March, 1997 for Phase I of the Goblin Valley State Park Access Road. This cooperative agreement is for another grant for three years funding of that project. The agreement has been reviewed by County Attorney David Blackwell and Craig Johansen, Johansen & Tuttle Engineering and Rex Funk, Road Supervisor, who recommend signing the document. Commissioner Bevan Wilson made a motion to sign the cooperative agreement for the Goblin Valley State Park Access Road, Project #SP-1652 (1) 1. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)  
CONSIDERATION AND APPROVAL OF RESOLUTION EXTENDING THE CABLE TELEVISION FRANCHISE OF FALCON TELECABLE (“FALCON”) IN EMERY COUNTY, UTAH.

This agreement extends the existing agreement until the county is able to come to terms with a new contract. County Attorney David Blackwell, has reviewed the agreement and recommends signing the document. Commissioner Kent Petersen made a motion to sign the Resolution extending the Cable Television Franchise of Falcon Telecable (“Falcon”). The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(4)  
CITIZENS CONCERNS.

There were no citizens concerns at this time.

(5)  
CONSIDERATION AND APPROVAL OF ASSESSOR ADJUSTMENTS AND TAX ABATEMENTS.

Carol Riddle, Senior Appraiser, asked for the consideration and approval of the following assessor tax adjustments.

Clyde Mortensen, Emery	-\$ 93.21
Steve & Michelle Scovill,	-\$162.48
Virl & Ruth Kiesel,	-\$ 86.44

Lana Cunningham, Huntington, requested abatement of property taxes due to hardship. The total amount is \$393.52. She will apply for the Indigent Abatement for next year and make payments to meet the 50% she will need to pay next year, however, she is not in any position to pay any of the taxes for this year.

Commissioner Kent Petersen made a motion to approve the Assessor adjustments and tax abatements. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

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CONSIDERATION AND APPROVAL OF AGREEMENT WITH CASTLE DALE CITY FOR LEASE OF WATER SHARES.

Castle Dale has requested to lease water shares from Emery County. Clerk/Auditor, Bruce Funk, was previously asked to report on the amount of water shares available to be leased to Castle Dale City. There are sixteen water shares available. The going rate for water share lease is \$10.00 a share. The Board of Commissioners prefer to lease on an annual basis. Commissioner Bevan Wilson made a motion to lease the sixteen water shares to Castle Dale City for \$10.00 a share for the term April 1, 1998 through December 1, 1998. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(7)

RATIFICATION OF AWARD OF CONTRACT TO MINCHEY DIGGING FOR WATER LOAD-OUT AND CONCRETE DIPS.

As discussed in last commission meeting Minchey Digging was awarded the contract for the water load-out and concrete dips on the Swinging Bridge Project with the understanding that they complete other projects. Johansen & Tuttle Engineering has followed up on this. They have met with Minchey Digging, implemented some stipulations, which Minchey Digging has agreed to. Minchey Digging is now in a position to do a good job for the county. Therefore, Commission Chairman Randy Johnson asked to have the Award of Contract ratified. Commissioner Bevan Wilson made a motion to ratify the contract with Minchey Digging for the load-out and concrete dips on the San Rafael. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS.

There were no items for consideration at this time.

(9)

CONSIDERATION OF REBIDDING HEALTH INSURANCE PLAN.

Personnel Director, Pat Snowball, reported that internal calculations show a drawing-down of the health insurance reserve fund. This reduction indicates more pay-out of claims than the replenishment of funding by premiums.

Additionally, recent research into health insurance costs has been reviewed that indicates fully insured plans offer significant savings.

The following action is being taken:

1. As of January 1, 1998, each division of the plan will be billed an additional \$50 each month for each plan participant, both single and family.
2. We will immediately open a process to receive quotes on health insurance with the expectation that many options will be offered for our consideration.

It is anticipated that major changes are likely to occur in the way Emery County offers the health insurance benefit ; changes which may not be compatible with the divisions currently under the county's health plan umbrella.

The Board of Commissioners gave their approval to proceed as outlined.

(10)

CONSIDERATION OF FAIR BOARD DIRECTOR POSITION.

Commission Chairman Randy Johnson opened the discussion of fair director for the 1998 Emery County Fair. Commissioner Johnson related that in the past the county has had fair board chairman, Sharon Earl, over the fair. In evaluating what the county is trying to achieve with the fair in the upcoming years, Commissioner Johnson suggested paying a fair director to coordinate the fair activities. He also suggested creating a job description, determine how much should be paid, whether it should be a lump sum or a monthly part-time position. This should be put together by this month to stay on top of the fair. Commissioner Kent Petersen agreed that this issue should be addressed now while they are working on the budget and that this should be a significant part of the budget process. Commissioner Johnson has investigated the way other counties handle their fair and has found the ones who have best handle on things are the ones who pay a fair director. Commissioner Wilson suggested the county strongly consider this as a contract and not just as someone on the payroll. Clerk/Auditor, Bruce Funk, suggested another possible consideration would be to create a fair board that we make a contribution to. This would remove the Clerk/Auditor's office from the auditing position that they had to take this year. Commissioner Johnson asked for approval to go ahead with creating the job description and proceed with the process of getting someone into that position as soon as possible. Commissioner Bevan Wilson made a motion to have Commissioner Johnson proceed with creating a job description and to proceed with getting someone into that position so as to proceed in coordinating the 1998 fair in a timely manner. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(11)

DISCUSSION OF LONG DISTANCE TELEPHONE CARRIER.



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Barbara Rasmussen, Customer Relations for Mountain West, Subsidiary of Emery Telephone, presented Mountain West's long distance plan for the Commissioners. She gave an overview of how the calling card works. The cost for using the calling card is \$.14.9 a minute, with a \$.75 tariff on each call for the first minute. In state long distance is \$14.9 per minute.

Commissioner Kent Petersen made a motion to move over to Mountain West for the county long distance carrier. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(12)

CONSIDERATION OF APPOINTMENT TO WESTERN REGIONAL AIR PARTNERSHIP COMMITTEE.

Commission Chairman Randy Johnson suggested Val Payne be appointed to this committee. After some discussion on this appointment, Commissioner Bevan Wilson made a motion to appoint Val Payne to the Western Regional Air Partnership Committee. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

CONSIDERATION OF APPOINTMENT TO TAKE PRIDE IN UTAH DAY COUNTY CHAIRMAN.

Commission Chairman Randy Johnson read a letter from Ted Stewart, Director of Division of Natural Resources, which praised the efforts of volunteers throughout the state in making Utah a beautiful place to live. Take Pride in Utah Day is planned for May 16, 1997. The letter requested Emery County appoint a representative. Carol Ware, Centennial Committee Chairperson explained how this program works. Commissioner Bevan Wilson made a motion to appoint Carol Ware as Emery County's representative. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(14)

CONSIDERATION OF APPOINTMENT TO GOBLIN VALLEY RMP COMMITTEE.

Commissioner Kent Petersen made a motion to appoint Bevan Wilson to the Goblin Valley RMP Committee because of his involvement with Goblin Valley Road improvement projects.

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Commission Chairman Randy Johnson stepped down and seconded the motion and it was approved by all members present.

(15)

APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk, presented to the Board of Commissioners for their consideration and approval the Warrant Check Edit List #105847 through and including #106007 for payment.

The following requisitions and dispositions were presented for consideration.

<u>REQUISITION</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
57-97	Visual C++Software GIS	\$ 419.00	Approved
58-97	Christmas trees Courthouse	800.00	Approved
59-97	Pro XRS GIS Mapping Sys GIS	10,995.00	Approved
60-97	98 Honda 4Wheelers (2)/Trailer Sheriff/Drug Enf	12,293.00	Approved
61-97	Forklift Class B Roads	16,000.00	Approved
62-97	97 John Deere Backhoe Loader W/Warranty Class B Roads	52,700.00	Approved
63-97	(2) JH 20 Ton Jacks (1) JH 50 Ton Jacks (2) 50 Ton Alum. Cylinders (1) 60 Ton Cylinder (1) Turbo Hyd. Pump	3,996.80	Approved

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<u>DISPOSITION</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>	<u>ACTION</u>
144-5988	Blue Line Copier	County Auction	Approved

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List, requisition and dispositions for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

#### Library

Beginning December 4, 1997 and continuing through February 1, 1998, Emery County libraries will be putting card files on the new computer system. In order to accomplish this project, it is proposed that during this temporary period all assistant librarians who regularly work less than 20 hours each week will work up to 39 hours each week.

Affected employees must have a clear understanding that this is a temporary action, that their "part time working less than 20 hours per week with no benefits" is not changed because of the increase in hours; that any hours worked over 40 in a week will be paid at time and one half; that their wage will not change and they will not be entitled to any additional benefits.

Commissioner Bevan Wilson made a motion to approve the temporary increase in hours for the period December 4, 1997 through February 1, 1998 for the proposed purpose of putting card files on the new library computer system. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

#### Justice Court

Sharon Wickman has submitted her resignation effective December 5, 1997.

Request is made to begin the recruitment process for a Justice Court Clerk, grade 4, step A, \$7.43/hr.

Commissioner Kent Petersen made a motion to approve the recruitment process for a Justice Court Clerk. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

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(17)

APPROVAL OF COMMISSION MEETING MINUTES.

Commissioner Bevan Wilson made a motion to approve the minutes dated November 19, 1997 as corrected. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(18)

COMMISSION REPORTS

**BEVAN WILSON**

Commissioner Wilson read a letter from Green River City Mayor, Judy Ann Scott, thanking the county for the assistance received from the road department.

He gave an update on the requested lighting of the intersection of Bott Lane and Orangeville City Main Street.

He read a letter from RSVP thanking the Commission for the county's cooperation in running the RSVP program in Grand County in past few years. Grand County will run the RSVP program independently during the 1998 year

**KENT PETERSEN**

Commissioner Petersen reported that Emery County has officially commented on the BLM OHV plan.

**RANDY JOHNSON**

Commissioner Johnson reported that Utah Association of Counties Public Lands Oversight Committee meet and dealt with issues of RS 2477 funds. If Emery County does end up needing to defend our RS 2477 rights of ways we would probably be able to get some relief from this fund.

(19)

OTHER

Commissioner Johnson asked to have the pool table and fountain removed from the professional

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building disposed of by a bid process. Commissioner Kent Petersen made a motion to proceed with a bidding process for disposal of the pool table and fountain removed from the professional building. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(20)

EXECUTIVE SESSION TO DISCUSS PERSONNEL AND POSSIBLE LITIGATION.

Commissioner Kent Petersen made a motion to move into executive session. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(21)

ADJOURNMENT

Upon return to regular meeting Commissioner Kent Petersen made a motion to adjourn. The motion was seconded by Commissioner Bevan Wilson 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**

**December 15, 1997**

Present at the meeting were Commission Chairman Randy Johnson, Commissioner Bevan Wilson and Commissioner Kent Petersen, County Attorney David Blackwell and Deputy Clerk/Auditor, Carol Cox.

Commission Chairman Randy Johnson called the meeting to order at 4:00 p.m.

(1)  
APPROVAL OF CHECK EDIT LIST, ADDITIONAL CLAIMS, REQUISITIONS AND DISPOSITIONS.

Clerk/Auditor, Bruce Funk, presented to the Board of Commissioners for their consideration and approval the Warrant Check Edit List # 106069 through and including # 106250 for payment.

REQUISITIONS:

<u>REQUISITIONS</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>ACTION</u>
64-97	Copier Personnel	\$ 349.98	Approved
65-97	Digital Camera/Flash CD Drug Enforcement	1,096.26	Approved
66-97	Digital Camera/Flash CD Public Lands	1,096.26	Approved
67-97	TV/VCR Combo Weed/Mosquito	300.00	Approved
68-97	Angle blade Class B Rd	7,950.00	Approved

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69-97	Combo Bed for Truck Class B Rd	7,384.00	Approved
70-97	Ambulance Ambulance	82,300.00	Approved To come From 98 Budget

DISPOSITIONS:

<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>DISPOSITION</u>	<u>ACTION</u>
180-5948	Printer Planning/Zoning	Junked	Approved
180-4727	Transcriber Planning/Zoning	Junked	Approved

Commissioner Kent Petersen made a motion to approve the Warrant Check Edit List, requisitions and dispositions for payment. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(2)

PAT SNOWBALL, PERSONNEL DIRECTOR, APPROVAL OF PERSONNEL ACTION.

Justice Court

Request approval to hire Kristi Nelson as Justice Court Clerk. Kristi has been Deputy Clerk/Auditor and was the only applicant when the Justice Court Clerk position was posted "in-house". Kristi will move to Justice Court at her current rate of pay. It will be a full time position with benefits.

This will leave a vacancy in the Clerk/Auditor's office. Request is made to recruit for a Deputy Clerk/Auditor, grade 4, step A \$7.43/hr.

Commissioner Bevan Wilson made a motion to approve the personnel action requested. The

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motion was seconded by Commissioner Kent Petersen and approved by all members present.

(3)

CITIZENS CONCERNS.

UAC Litigation Committee Attorney, Bill Thomas Peters and Research Valuation Analyst, Eckhardt Arthur Prawitt, reported for the Commission on Centrally Assessed issues in regards to the Wiltel decision and its effect on Pacificorp and also on Utah Railways.

(4)

JERRY FRAZIER, UTAH STATE TAX COMMISSION, DISCUSSION OF PLATEAU MINE.

Utah State Tax Commission representatives, Jerry Frazier and Marlo Edwards and Cyprus/Plateau Mining representative, Dennis Ware, reported and addressed questions on the settlement between the State Tax Commission and Cyprus/Plateau Mining. Marlo Edwards explained that the original assessment of Cyprus/Plateau Mining, based on the information provided in their annual return, was \$21,000,000.00, of which \$8,600,000.00 is in Emery County. Cyprus/Plateau Mining filed an appeal indicating that the State Tax Commission had over valued the property. Cyprus/Plateau Mining based that appeal on the fact that the mine is in the process of shutting down. Cyprus requested an overall reduction in valuation from 12.6 to the appealed value of 5.1. The result will be a \$41,000.00 reduction in taxes leaving a shortfall of revenue for Emery County. Dennis Ware explained that Plateau Mine has mined out the reserves of the west side (Emery County side) of the mine. They will be closing this side of the mine. They are approaching the Forest Service to leave the long wall in the mine as it has been caved in on and would cost approximately ten (10) million to remove it. They have drained all fluids from the longwall miner, testing several samples for contamination. The mine currently has 0 value. They are in the process of filing with BLM to begin reclamation and anticipate four to five years for that process to be complete.

(5)

CONSIDERATION AND APPROVAL OF TAX EXEMPTION FOR ROCKY MOUNTAIN WEST BAPTIST MISSION.

Utah Code Section 59-2-1101 (3) (a) requires you to file an affidavit, on or before March 1, of each year, certifying the use to which the property has been placed during the past year. Rocky Mountain West Baptist Mission was missed in this process. They have filed the proper affidavit and are requesting to have the taxes abated. Commissioner Kent Petersen made a motion to approve the tax exemption for Rocky Mountain West Baptist Mission. The motion was



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seconded by Commissioner Bevan Wilson and approved by all members present.

(6)

APPROVAL OF 1998 COMMISSION MEETING AND HOLIDAY SCHEDULE.

The following meeting and holiday schedule was presented for Commission approval:

January 7, 1998	9:00 a.m.
January 21, 1998	4:00 p.m.
February 4, 1998	9:00 a.m.
February 18, 1998	4:00 p.m.
March 4, 1998	9:00 a.m.
March 18, 1998	4:00 p.m.
April 1, 1998	9:00 a.m.
April 15, 1998	4:00 p.m.
May 6, 1998	9:00 a.m.
May 20, 1998	4:00 p.m.
June 3, 1998	4:00 a.m.
June 17, 1998	9:00 p.m.
July 1, 1998	9:00 a.m.
July 15, 1998	4:00 p.m.
August 5, 1998	9:00 a.m.
August 19, 1998	4:00 p.m. * To follow
Board of Equalization at the County Sheriff/County Complex at 45 East Farrer Street in Green River, Utah.	
September 2, 1998	9:00 a.m.
September 16, 1998	4:00 p.m.
October 7, 1998	9:00 a.m.
October 21, 1998	4:00 p.m.
November 4, 1998	9:00 a.m.
November 18, 1998	4:00 p.m.
December 2, 1998	9:00 a.m.
December 15, 1998	4:00 p.m.

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New Year's Day 1998	Thursday	01-01-98
Human Rights Day	Monday	01-19-98
President's Day 98	Monday	02-16-
Memorial Day	Monday	05-25-98
Independence Day	Friday	07-03-98
Pioneer Day	Friday	07-24-98
Labor Day	Monday	09-07-98
Columbus Day	Monday	10-12-98
Veterans Day	Wednesday	11-11-98
Thanksgiving Day	Thursday	11-26-98
Christmas Eve	Thursday	12-24-98 (½ day)
Christmas Day	Friday	12-25-98

Commissioner Kent Petersen made a motion to approve the 1998 Commission Meeting and Holiday schedule. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(7)

APPROVAL OF BUSINESS LICENSE.

Commissioner Bevan Wilson made a motion to approve a business license for Layne's PC Rescue, Elmo/Cleveland. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(8)

ROAD DEPARTMENT/LANDFILL ITEMS.

There were no Road Department/Landfill items at this time.

(9)

APPROVAL OF 1998 CAPITAL PROJECTS PRIORITY LIST TO BE SUBMITTED TO PCIFB.

Darrell Leamaster, Castle Valley Special Service District, presented a list of projects submitted to Permanent Community Impact Fund Board. These are projects that eligible entities in Emery County anticipates asking PCIFB for their participation in funding. PCIFB requires the list to be broken down into three parts. The first is a prioritized, short term list comprised of any projects the county will be submitting in the coming year. The second is a medium list comprised of any projects the county anticipates for the next five years. The last is a long term list. The three lists combine to make a total of over fifty-one million dollars in projects. The short term list has a

total of 26 projects for a six and a half million dollar total of which we will be asking PCIB to participate in funding five point four million dollars leaving the county to come up with one point one million dollars. Mr. Leamaster relayed some of the funding changes PCIFB is proposing, which may have some impact on Emery County. The Board of Commissioners reviewed the short term priority list with Mr. Leamaster. They discussed a request from CEU (for a learning center) for four hundred thousand which was not on the list. There was some discussion on school funding. Commissioner Bevan Wilson suggested calling PCIFB Administrator, Shirl Clark, to be advised on school funding. After discussion on this matter Commissioner Kent Petersen made a motion to approve the Capital Projects list for submittal to PCIB with the exception that Darrell Leamaster find out about the CEU Project request before adding it to the list. If the CEU Project is added to the list it will be last with a grade C. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(10)

DISCUSSION AND CONSIDERATION TO ADOPT A RESOLUTION DECLARING EMERY COUNTY'S INTENT TO PARTICIPATE IN 1998 UAC TAX ANTICIPATION NOTE PROGRAM.

Senior Deputy Clerk/Auditor, Brenda Dugmore and County Treasurer, JoAnn Behling discussed with the Commission Resolution 12-15-97D declaring Emery County's intent to participate in the 1998 UAC Tax Anticipation Note Program. The deadline for participation is December 31, 1997. The note amount will be three million. The county will not draw on it until we need to. County Attorney David Blackwell has looked over the document and recommends approval to participate. Commissioner Kent Petersen made a motion to adopt Resolution 12-15-97D declaring Emery County's intent to participate in the 1998 UAC Tax Anticipation Note Program. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(11)

APPROVAL OF APPOINTMENTS TO CASTLE VALLEY SPECIAL SERVICE DISTRICT ADMINISTRATIVE CONTROL BOARD.

It was decided that this was not necessary.

(12)

5:30 p.m.- PUBLIC HEARING-To receive public comment on opening and amending the 1997 budgets for the Emery County General Fund and other funds as presented.

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Commission Chairman Randy Johnson opened the Public Hearing at 5:30. Senior Deputy Clerk/Auditor, Brenda Dugmore, gave a brief overview of the 1997 budget changes. Being no comment, Commissioner Bevan Wilson made a motion to close the Public Hearing. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

(13)

**6:00 p.m.- PUBLIC HEARING-To receive public comment on 1998 budgets for the Emery County General, Class B Road, Centennial, E911, Library, Economic Development, Capital Projects, Capital Replacement, RSVP, Americorps Funds, Castle Valley Special Service District and Habitat for Humanity.**

Emery County General Fund, Class B Roads, Centennial, E911, Library, Economic Development, Capital Projects, Capital Replacement, RSVP, Americorps Fund and Habitat for Humanity.

Senior Clerk/Auditor, Brenda Dugmore provided an overview of the 1998 budget. Clerk/Auditor, Bruce Funk added that the budget reflects a one step increase for employees at the beginning of the year with a 2% increase in July for a total 3% increase in wages. This will include similar increases for elected officials and contract employees that are not under the salary package. This budget does not reflect any adjustments throughout the year for merit increases. This will be the only increase in wages.

Commission Chairman Randy Johnson reported that there will be two new Senior Citizens Centers built in 1998.

Jim Whear, Four Corners Mental Health, expressed his appreciation to the Board of Commission and Emery County for their support for their program.

Commission Chairman Randy Johnson also reported that because of the reduction in centrally assessed properties the county is faced with losing on the average about 7% a year in income. On the average the demands on that income increases. Every department has projects that are number one to them. It is hard to determine where and what to cut. We have reached a situation in the county where the individual taxpayer and homeowner bears a terrific burden while centrally assessed properties and the big taxpayers are going down considerably each year. The county is faced in a decrease in fund balance and decreasing income. We will have to, in the years to come make some serious adjustments to the way we spend money. We are hoping that we can do some things with our mineral lease funds. Mineral lease funds have to go into specific designated purposes. We are looking at doing some things to offset those specific purposes in other departments. The main problem is that we are faced with a decreasing income and heavier demands on the money. We have done the best we could this year to keep the fund balance where it should be. We will have to have something occur in terms of mineral lease funds this year or we will be faced with some very serious cuts in expenditures for 1999.

Commissioner Kent Petersen echoed Commissioner Johnson's comments and asked the departments to look at their budgets and not make any more purchases for this year unless

absolutely necessary. Be cautious in the way you spend money.

Commission Chairman Randy Johnson expressed his appreciation to all the departments. They turned in requests that were close to the penny and not asking for extravagant things. He thanked the department heads and elected officials for the responsible way they run their departments as well as their concern for the taxpayer.

#### Castle Valley Special Service District Budget

Darrell Leamaster addressed the 1998 budget of the Castle Valley Special Service District. CVSSD is a dependent district but as a matter of policy the board has brought their budget before the governing body of the county. Mr. Leamaster explained each of the budget accounts. Expenditures are dropping from about 2.6 Mil anticipated for 1997 to 1.33 Mil for 1998. The main reason for that being they will be retiring some of their major bond issues. In 1998 they reach a major milestone in that a lot of their debt will be retired in 1998. They will drop the debt service payment saving about 1 Mil allowing them to substantially reduce their tax rate for 1998. By 2003 all the debt they presently have will be retired. CVSSD has been authorized by voters to issue 10 mil dollars worth of bond. They still have 4.3 Mil dollars of that that has not been sold. If those bonds are sold in the next couple of years the debt payments will go up. They do not anticipate any Tax Anticipation Notes for 1998. CVSSD is at their maximum voter authorized tax rate. Their budget is tight and they do not have any way to bring in any more revenue other than by raising water and sewer rates which they do not anticipate for 1998 but may have to do in 1999. They are anticipating raising the hook-up fees for new connections the first of 1998.

Commissioner Bevan Wilson reported that Emery County enjoys low water and sewer rates compared to other counties because of the way CVSSD manages their budget. Rates have not been raised for twenty years. They should be commended for their good work.

Commissioner Kent Petersen made a motion to move out of the Public Hearing. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

Commissioner Kent Petersen made a motion to approve the amendments to the 1997 Emery County General Fund and other funds as presented and to sign Resolution 12-15-97B authorizing the budget officer of the county to open the 1996 budget and adjust from department to department and from line item to line item where necessary. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(15)

APPROVAL OF THE 1998 BUDGETS FOR EMERY COUNTY GENERAL, CLASS B ROAD, CENTENNIAL, E911, LIBRARY, ECONOMIC DEVELOPMENT, CAPITAL PROJECTS, CAPITAL REPLACEMENT, RSVP, AMERICORPS FUNDS AND CASTLE VALLEY SPECIAL SERVICE DISTRICT, AND HABITAT FOR HUMANITY.

Commissioner Kent Petersen made a motion to approve the 1998 budget. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(16)

DISCUSSION AND APPROVAL OF TCI CABLEVISION'S NEW CALCULATION OF LOCAL CABLE FRANCHISE FEES.

Clerk/Auditor, Bruce Funk explained that the Fifth Circuit Court determined that these kind of entities had to have a franchise tax. Emery County has the opportunity of adding the franchise tax onto the user. TCI has provided a recalculation of the local franchise fee. TCI assured Mr. Funk that it would not mean a higher tax passed on to the consumer. County Attorney, David Blackwell has looked the document over and recommends signing it. Commissioner Kent Petersen made a motion to approve the new calculations for TCI Cablevision's local cable franchise fees and authorizes Commission Chairman Randy Johnson to sign the document. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(17)

APPROVAL OF PREVIOUS COMMISSION MEETING MINUTES.

Commissioner Kent Petersen made a motion to approve the minutes dated December 3, 1997 as corrected. The motion was seconded by Commissioner Bevan Wilson and approved by all members present.

(18)

COMMISSION REPORTS.

There were no Commission reports at this time.

10

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(19)

OTHER

Carpet Committee representative, Dixie Swasey, discussed the progress of getting new carpet for the courthouse. Because of the time lapse we will need to advertise and rebid again. This will put on the agenda for next meeting.

(20)

EXECUTIVE SESSION TO DISCUSS LITIGATION AND PERSONNEL CONCERNS.

Commissioner Kent Petersen made a motion to move into Executive Session to discuss litigation and personnel concerns.

(21)

ADJOURNMENT.

Upon return to regular meeting Commissioner Bevan Wilson made a motion to adjourn. The motion was seconded by Commissioner Kent Petersen and approved by all members present.

ATTEST: \_\_\_\_\_ CHAIRMAN: \_\_\_\_\_